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PREFACE.

THIS little Treatiſe makes its Appearance in the World under no weightier Motive, than purely for the Sake of the Method, *which has been purſued and obſerved in it.* —— *I have always thought, that the Subject, of which I treat, was of the greateſt Dignity and Importance, and of equal Difficulty: And although I am ſenſible, it has been already well handled by Perſons of great Name and venerable Diſtinction; yet am I not without Hopes, but that the Advantages of the Method, I have*

introduced, will be every where ſo viſible, and be thought of ſuch a Nature, as to juſtify me in the Review, I have made of this Sort of Learning, and in this Attempt to reduce it into a better and more Syſtematical Order. The Learning, which relates to this Subject, once concerned the Property *and* Right *of* Ownerſhip *to very near all the* (1) *Lands in the Kingdom; and now affects that Property in the* general Circumſtance, *and may do* (2) eventually *in the* Total.

IN the Proſecution *of this* Inquiry, *I have not thought it neceſſary to authenticate* every Caſe *by*

(1) Before the Stat. of *Weſtm. 2d, Cap.* 1. all Inheritances were Fee-ſimple.

(2) See *Litt. Sect.* 19. and *Co. Litt. fol.* 22. *b.*

a Re-

a Reference *to the* Books; *imitating, in this, the Conduct of Lord* Bacon, *in his Book called,* The Elements of the Law, *and Chief Juſtice* Hale, *in his* (3) Diſcourſe of Deſcents: *The former of which gives the following Reaſon, in his Preface, for adopting this Method.*

" *IN not quoting Authorities,*
" *I have the* Example *of* Littleton
" *and* Fitzherbert; *whoſe Writings*
" *are the* Inſtitutions *of the* Laws
" *of* England; *whereof the one*
" *doth forbear to vouch any Autho-*
" *rity altogether; and the other*
" *never citeth a Book, but where*
" *he thinketh the Caſe ſo weak of*
" *Credit in itſelf, as to need a*

(3) See the *Hiſtory of the Law.*

" *Surety*; *beſides, I think it a* " *Matter undue and prepoſterous* " *to prove* Rules *and* Maxims." *I hope therefore I need no other Apology for this Procedure.*

IT may, perhaps, be objected, that, now, fewer Difficulties occur in Relation to this Subject, than heretofore, as Inheritances are ſeldom left to fluctuate among the Kindred of the Purchaſor according to the Diſpoſition and Polity *of Law; but are for the very moſt* limited *and* bound down *by* (4) Wills *and* Settlements, *to go according to the* Affection *and* Diſcretion *of the Party; and that, therefore, a Treatiſe of this Kind*

(4) See 32 *Hen.* 8. *Cap.* 1. *&* 34 *Hen.* 8. *Cap.* 5.

is

is now rather a Matter of Curioſity, than of any real Uſe.

IT may be alleged, that even, before theſe Proviſions *took Place, in Regard to the Infrequency of a* celibate *Life, and to the Command and Bleſſing of* GOD *to his People* (creſcite et multiplicamini) *being in all Ages ſo univerſally obeyed, and happily advanced; it has not often happened, that there has been Occaſion to* calculate *or* conſider *(That wherein, indeed, the only Difficulty conſiſts) the* Degree *of* Conſanguinity *and* Relation, *which the* remote collateral Anceſtor *had to the Purchaſor, and to the Perſon, who was laſt ſeized of the Inheritance; and to* ſettle

and

and adjuſt *the Right and* Claim *of the Deſcendents from ſuch remote collateral Anceſtor*, purſuant to ſuch Calculation; but, however, *as* Proviſions *by* Wills *and* Settlements *do not always take Place; and where they do not; as Caſes of a very* intricate *and* perplexing *Nature do, ſometimes, occur, and that they do ſometimes occur, is a Fact within the Experience of* every Practiſer; *I have laid down, from* adjudged Caſes *and* received Maxims, *how the Law ſtands, at this Day, in Relation to all the Variety of Accidents, which can, poſſibly, attend the* Deſcent *of the Inheritance in the Family of the Purchaſor.*

I muſt

I muſt acquaint the Reader, that where the Books do not ſhew the Law with a convenient Certainty; I refer ſuch Caſes over with a Quere, as Points not ſufficiently authorized; altho' I conceive, that, even, the Caſes thus queried are not altogether unauthorized; but that they are Conſequences drawn, with great Probability and Propriety, from ſuch Hints and Adumbrations *of ancient Authors, and from ſuch* Veſtigia *of ancient Learning, as are extant upon this Subject, or (as the* Grammarians *are wont to ſpeak) I conceive, that theſe Caſes (altho'* queried *for the Reaſons aforeſaid; yet) have a ſtrict* Analogy *and full* Congruity *with the* Rules *and* Principles *of Law.*

THE

THE Method, which I have laid down, is calculated for the more commodious Conveyance *and better* Tradition *of this abſtruſe and knotty Subject.——And I apprehend, I have ſo ordered and* diſpos'd *it, that there will not be the* leaſt Difficulty *and very little Application neceſſary to underſtand it* perfectly; *and, in my Opinion, this* Vehicle *will greatly aſſiſt and enlighten the Underſtanding in forming its Concluſions; it being, in all Reſpects, ſo clear, ſo* expedite *and* diſembaraſſed.

AND if I may be allowed, freely and ingenuouſly, to confeſs my Sentiments; I do not find, either, in the Books of the Civilians, *or* Common Lawyers, *that the Uſe and Application of the ſeveral* Tables, *which are* exhibited *in their Works,*

Works, are, any where, ſufficiently explained, or fully, or duly inculcated: *They have, indeed, where* particular Caſes *have demanded their* Diligence *and* Attention, *taken a very* accurate Survey *of all the* Facts, *which were proper for their Conſideration, in order to a juſt and* equitable Deciſion *of* ſuch Matters; *but neither the one, nor the other have taken care, that their* Tables *ſhould be accompanied with a clear Deſignation of the ſeveral* * Perſonages *contained in them, or of the* Relation, *in which ſuch Perſonages, reſpectively, ſtand to the* Perſon propoſed; *but where they found, that the Terms,* Avus *and* Avia, &c. (viz. *Grandfather and Grandmother,* &c.) *was not a* Philoſophical *Language, or a* Mode *of ſpeaking, which was* ſcientifically *adjuſted, or properly* aſcertained; *they have re-*

* See *Plowd.* 449.

reduced their Senſe *to a Certainty by ſaying, The Father of the Father--- or Father of the Mother, --- or Mother of the Father--- or the Mother of the Mother,* &c. —— *of any* Perſon propos'd; *but, notwithſtanding, the ſeveral* Tables, *which are extant in their Books; they are ſometimes obliged, in tracing a Deſcent, to uſe a* much more *tedious and circuitous Way of Deſcription, than this, that follows,* — Æmilius, *or* Æmilia *was the Brother, or Siſter* of the Mother of the Father of the Father of the Purchaſer; —— *now inſtead of all theſe Words, it will be ſufficient, under the Advantage and Accommodation of the Method, which I have introduced, to uſe the Letter* M:—— *The Letter* M. *importing as much, and, certainly, this Way of proceeding will be a Means greatly to abridge*

abridge the Voluminous Works *of* other *Authors*; *as whole Pages, in Conſequence of this Method, may be expreſſed by* aa. *or* ab. *or* ac.--- *or by uſing the Words,* ----- *The* aſcending *Claſſes, or* (*the* aſcending *Scale*) *of the* firſt, ſecond, *or* third *Column.*

HOWEVER, as I muſt allow, that it is by no Means reaſonable, that the Merit, *or Uſefulneſs of a* Performance *ſhould be ſettled, or* eſtimated *by the* Prepoſſeſſions *or* Profeſſions *of the* Author *in Favour of it:*

I beg leave to cloſe this prefatory Addreſs *with aſſuring the* learned *and* judicious *Reader of this* Eſſay, *that I abſolutely* reſt *the Fate of* it *in his Judgment, leaving him at full Liberty* (*after he hath examin'd the Facts laid down in it with Appli-*

Application and Attention, if it may be thought to deſerve the Favour of ſuch an Examination) to purſue ſuch Concluſions, as pleaſe him moſt; and whatever happens to be the Fate *of this Performance under ſuch a Circumſtance of proceeding, I ſhall very readily and reſpectfully* adopt *the* Concluſions *of* ſuch Readers *for my own, being deſirous to entertain no other, or higher Opinion of the Work, than what comes* ſtrictly *warranted and recommended by the* concurrent *Teſtimony and* Sanction *of the very beſt and ſoundeſt Judgments.*

OF DESCENTS IN *FEE-SIMPLE.*

IT becomes neceſſary, in Reſpect to the *Method* I have introduced, for the better Delivery and Illuſtration of this Subject; firſt, that the *Method* itſelf ſhou'd be very fully opened and explained.

THE Reader, therefore, is deſired to take Notice, that I always (unleſs where I tranſcribe from others) ſpeak in the *Language* of the *Kalendar*, and ſo as, neceſſarily, to refer to *it* on all Occaſions.

For Inſtance, I uſe and appropriate the *Capital* Letters, which are inſerted in all the Claſſes of the *Kalendar*, to which I ſhall have any Occaſion to *reſort*, as a more ſummary Way of denominating the Claſſes, in which ſuch *Capital* Letters are, reſpectively, contained, and for aſcertaining the *Relation*, which the Perſons, who are comprized in thoſe Claſſes, ſeverally, have to any Perſon, who is propoſed. And, therefore, where it is ſaid, that the Inheritance goes to any *Capital* Letter; it is to be underſtood to devolve upon and *veſt* in the Claſs, in which ſuch *Capital* Letter is included, purſuant to the *firſt Rule*, which ſee hereafter. *Where* it is ſaid, for Inſtance, the Inheritance goes to *A.* It is then to be underſtood, that the Inheritance goes to the eldeſt Son; and where there is no Son; nor Deſcendents from any Son; then it goes to all the Daughters of the Perſon, of whom I ſpeak, *in Virtue of that Propoſition*; and where it is ſaid, that the Inheritance goes to *B.* the Inheritance, then, goes to the eldeſt Brother; and where there is no Brother, nor

De-

Deſcendents from any Brother; it goes to all the Siſters; and where it is mentioned, that any other *Capital* Letter takes the Inheritance; then the Inheritance always deſcends upon the Perſons, who are comprized in the Claſs, which is repreſented by ſuch *ſingle alphabetical Letter* in the ſame Manner; but as I would not anticipate the Uſe of the Rules, which are laid down in the Sequel of this Diſcourſe, I beg Leave, once for all, to refer to them. *Where* it is ſaid, any *Perſon*, or *Claſs* is *Extinct*; then ſuch *Perſon*, or *Claſs*, of which *this* is affirmed, and all their Deſcendents are always to be underſtood to be *Extinct*; for as long as there are Deſcendents from any *Perſon*, or *Claſs*; ſo long ſuch *Perſon*, or *Claſs* may, properly enough, be ſaid to ſubſiſt, to ſome Purpoſes, in virtue of ſuch (1) *Repreſentation*; *and Note*, I uſe the Word, *extinct*, as well where the Perſons, who are refer'd to in any Claſs of the Kalendar, were never in *Eſſe*, as where they are dead without Iſſue; the Conſequences, with

(1) See Rule ſecond hereafter.

Reſpect to the Doctrine, I wou'd eſtabliſh, being the ſame in either Caſe.

I denote the Claſſes, which are placed in the *Kalendar* above the (2) *Central Claſs* in any of the three Columns, by the Name of *Aſcending Claſſes*, or the *Aſcending Scale* of the ſeveral Columns to which they belong; and the Claſſes below the Central Claſs, in the ſecond Column, I call *Deſcending Claſſes*, or the *Deſcending Scale*; and Note, the Numerical Figures, which are inſerted in the *aſcending* Claſſes, increaſe in Quantity, in Proportion as the Claſſes aſcend; whereas the numerical Figures, which are inſerted in the deſcending Claſſes of the ſecond Column, increaſe in Quantity, in Proportion as the Claſſes deſcend, and in Proportion to the Multiplication of the Degrees in the deſcending Line. This *Criterion*,

(2) I denominate the Claſs, which contains the *Perſon propos'd* and the German Brothers and Siſters of ſuch Perſon, by the Name of the *Central Claſs*; not only becauſe it is placed, exactly, in the Centre of the Kalendar, but becauſe it is the true *Centre*, or *Terminus*, from whence the Perſons contain'd in the other Claſſes, are called either Father or Mother, Sons or Daughters, Uncles or Aunts, *&c.*

alone,

alone, is ſufficient to diſtinguiſh the *aſcending* from the *deſcending Scale*.

I ſubſtitute the firſt Letter of the Alphabet (*viz.* the little *a*) repeated, thus ſeparated by the Interpoſition of a ſmall *horizontal* Line, *a-a*, to denote all the aſcending Claſſes, or the intire *aſcending Scale* of the *firſt Column*; unleſs where I mention, or refer to ſome particular Claſs, or claſſes in *a-a*: Then, indeed, *a-a* only denotes ſuch aſcending Claſſes in the firſt Column, as are, ſpecifically, enumerated.

I uſe the two Letters *a-b*, ſeparated by an horizontal Line in the ſame Manner, *in both theſe Senſes*; but then it is applied reſpectively, and only in Relation to the *ſecond Column*: And I uſe the two Letters *a-c*, ſeparated in the ſame Manner, to the ſame Effect; but then it muſt be underſtood ſolely to relate to the *third Column*. From what has been already ſaid, it is ſufficiently clear, that where it is alleged, that *A*. and *B*. and

a-a of any perſon are extinct, it is equivalent to the following Expreſſions, *viz.* that all the Sons and Daughters, all the Brothers and Siſters of the Perſon, of whom I ſpeak, and all the Perſons, reſpectively, contained in the aſcending Claſſes of the firſt Column, and all the Deſcendents from every of them, are dead, or were never in *Eſſe*, *&c.*

I *plant* every Perſon, of whom I ſpeak, in the *central Claſs*, making the *Kalendar* convertible and wholly to depend upon the *Perſon propoſed*. And note, as often as the Purchaſor, (or any Perſon ſeized, of whom, in the Progreſs of this Inquiry, it is affirmed, the Inheritance deſcends from them in the ſame Manner, *as if they had been Purchaſors*,) is placed in the *Centre* of the *Kalendar*; the whole Series and Order of the Succeſſion is fully and *graphically* deſcribed, or, at leaſt, exhibited *ſub pleno et perſpicuo Emblemate* by the Series and Order of the *Capital* Letters, which are inſerted in the *Kalendar*, as the Rules, hereafter, to be pro-

propounded and laid down, and the *Poſtulata* they contain, will fully evince; and becauſe the *lineal* and *collateral* Anceſtors of the ſeveral *Femes* in *a-b*, and of the ſeveral Claſſes in *a-c*, cannot conveniently be circumſcribed, or comprehended within the Kalendar; therefore, where I find it neceſſary to make their Anceſtors the ſubject of ſome Propoſition for the better evincing the Doctrine, of which I treat; in ſuch Caſe, I plant the Claſs in *a-c*, of whoſe lineal or collateral Anceſtors, I am about to affirm, or deny ſome Fact, in the *Centre* of the *Kalendar*; ſo that where I make *K.* or *L. viz.* the Brothers and Siſters of the Grandmother or of the Great Grandmother in *a-b*, the *Perſons propoſed* by placing them in the *Central Claſs*; then *C.* of *K.* or *C.* of *L.* or *C.* of any other Claſs in *a-c*, will ſtand for the *Paternal* Uncles and Aunts of any Perſon, who is comprized in *K.* or *L.* or in any Claſs in *a-c*, which the capital Letter in *a-c*, which is made uſe of, repreſents, and to which the Claſs denominated by the Letter *C*, refers, that

is to ſay, it will ſtand for the Brothers and Siſters of the Father of *K.* or of *L.* or of any other Claſs, which is refer'd to in *a-c.*

THIS Remark will hold with Reſpect to *E.* or *F. &c.* of *K.* or of any other Claſs in *a-c*, inſomuch that by this *Rotation* and *voluble Property* of the *Kalendar*, *K.* of *K.* will ſtand for the Brothers and Siſters of the Paternal Grandmother of *K.* (*viz.* for the Brothers and Siſters of the Mother of the Father of *K.*) which very Claſs (*viz.* the laſt mentioned *K.*) denotes the Brothers and Siſters of the Paternal Grandmother of the Purchaſor, (that is to ſay, the laſt mentioned *K.* denotes the Brothers and Siſters of the Mother of the Father of the Purchaſor,) ſo that by this *Volubility* of the *Kalendar*, as well as by its being capable of being *indefinitely* extended (and, indeed, it is already *literally* true of it without recurring to either of theſe Expedients; but then) even in the Latitude of the Poet's Meaning,

— *Et*

— *Et avi numerentur avorum,*
Et nati natorum et qui naſcentur *ab illis.*

BUT as the Nature of the Affair, I am conſidering, does not require any conſiderable *Retroſpect*, in Regard to the *alternate* Mortality and Multiplication of Mankind; it will be, perhaps, thought tedious and trifling to inſiſt longer on thoſe Things.

Note, THE *numerical Figures*, which are inſerted in the Collateral Aſcending *Cells*, or *Claſſes* of the firſt and third Columns, are not calculated to denote the *Degrees* of *Conſanguinity*, in which each Collateral Aſcending Claſs ſtands to the Perſon propoſed, but only to mark and point out the *Number* of Aſcending Collateral Claſſes, and the ſeveral *Degrees* of Uncles and Aunts in the firſt and third Columns, ſo that the Figures 1 and 2, *&c.* which are contained in the Aſcending Claſſes of the firſt and third Columns of the

the Kalendar, ſtand for the Uncles and Aunts of the Perſon propoſed in the firſt, ſecond, or any other remoter Degree, according to what the Figure imports, and the Figures in the *Aſcending* and *Deſcending* Claſſes of the ſecond Column ſhew the Degree of *Parentage* and *filial Relation*, *viz.* Parents in the firſt, ſecond and third Degree, *&c.* and Deſcendents in the firſt, ſecond and third Degree, *&c.* although the Degrees of Conſanguinity from the *Perſon propoſed*, or the *Central Claſs*, are only intended to be ſhewn by the *Aſterisks*, which are included in each *Cell*, or Claſs of the *Kalendar*; Yet it happens, accidentally, that both the Figures and the Aſterisks anſwer in *the ſecond Column*, in proving both the Number of Claſſes and the Degree of Conſanguinity; but it is otherwiſe in the firſt and third Columns, as has been already obſerved. (3) The Rule of

(3) *D.* 50. 17. 8. *& l. j. ff.* de grad. affinitatis. In arbore Civili, in Collateralibus non conſtituitur primus gradus, ut frater & ſoror ſunt *Proximi Collaterales*, & de jure civili, tamen, in ſecundo gradu ſunt. Ratio eſt ſecundum regulam juris Civilis, quæ dicit, Quod unaquæq; perſona adjecta conſtituit novum gradum; ideo, quia ego ſum patri meo in primo gradu,

of the *Civil Law* for finding the Difference of Degrees in the direct and collateral Lines, is to this Effect, *viz.* that there are

gradu, ſi naſcitur poſtea alius ex eodem patre, ſoror vel frater, ex generatione iſtius, cauſatur novus gradus, & per conſequens appellatur ſecundus. In jure *Canonico* in Collateralib. conſtitui poteſt primus gradus, *c.* ad ſedem xxxv. *q.* v. Ut frater & ſoror ſunt proximi Collaterales, et tamen de jure Civili in ſecundo gradu ſunt. De jure verò *Canonico*, ſunt in primo gradu; jus enim Canonicum tantum illud conſiderat, quod duo fratres aut duæ ſorores tribuunt initium tranſverſali lineæ, et ideo in primo gradu illius lineæ eos conſtituit.

Prima Regula de Aſcendentibus & Deſcendentibus ſecundum jus Civile.

Tot ſunt gradus, quot ſunt perſonæ, Connumeratis intermediis, unâ perſonâ demptâ.

Exempli Gratiâ,

Filius meus eſt patri meo in ſecundo gradu, quia numerando à perſonâ filii mei ad patrem meum, reperiuntur tres perſonæ, unâ demptâ, remanent duæ, & ſic in ſecundo gradu. Nota; In *Aſcendentibus & Deſcendentibus* nulla eſt differentia inter jus *Civile & Canonicum*, datur enim eadem regula *Utrinque*.

Secunda Regula de Collateralibus, in lineâ æquali.

Tot ſunt gradus, quot ſunt perſonæ, ſtipite dempto.

Exempli Gratiâ.

In lineâ æquali, filius meus & fratris mei filius, ſunt in lineâ æquali, quilibet enim diſtat à ſtipite, ſcilicet à patre meo, in ſecundo gradu, per primam regulam; ſi ergo nunc quæratur quoto gradu fratris mei filius diſtet à filio meo, numerandæ ſunt quinque perſonæ; filius, ego & pater meus, (& ſic *ſtipes*) deinde frater meus, & fratris mei filius; *dempto ſtipite*, remanent quatuor perſonæ; ergo juxta hanc regulam noſtram, ſunt in *quarto gradu*.

Tertia Regula de Collateralibus in lineâ inæquali.

Eadem regula habet locum in lineâ *inæquali*, videlicet tot ſunt gradus, quot ſunt perſonæ, ſtipite dempto.

Exempli

are ſo many Degrees, as there are Perſons begotten, not reckoning the Common Stock from which all are deſcended: For Inſtance; there is *Titius*, and the Father and the *Grandfather* of *Titius*; now without including the Grandfather, the Father being born makes one Degree; the Grandſon being begotten by the Father makes the ſecond Degree from the Grandfather: Then in the Collateral Line, if it is asked, how many Degrees *Titius* differs from his Brother, the neareſt Common Stock is the Father, who begot *Titius*, and made one Degree; then he begot the Brother of *Titius*, and made the ſecond Degree; ſo there being two Perſons propagated by the Common Stock, *Titius* is diſtant from his Brother in the ſecond

Exempli Gratiâ.

Fratris mei filius & ego ſumus in lineâ inæquali Collaterali, ego, enim, per primam regulam, diſto à patre (ſcilicet meo) in primo gradu; fratris verò mei filius diſtat à ſtipite (meo ſcilicet patre) in ſecundo gradu; ſi nunc oriatur quæſtio, quoto gradu fratris mei filius diſtet à me, numerandæ ſunt perſonæ, ſcilicet ego, pater meus (qui eſt ſtipes) & deinde frater meus, ac fratris mei filius, inveniuntur autem quatuor perſonæ; dempto ſtipite, remanebunt tres, & ſic ſumus in tertio gradu.

Degree,

Degree, and diſtant four Degrees from his Uncle's Son; for the Father of *Titius* begot *Titius*, making one Degree; the Grandfather of *Titius* begot his Father, which conſtitutes the ſecond Degree; the Grandfather of *Titius* begot his Uncle, which is the third Perſon produced, and conſtitutes the third Degree; and the Uncle of *Titius* begot his Son, and makes the fourth Degree; and as they ſtand related by Nature, that Relation cannot be deſtroyed by any Conſtitution of State.

It is uſual for Perſons, who engage in Works of this Sort, to expound the *Terms* of *Science*, which they are obliged, frequently, to uſe; but I have defined very few Terms, and ſuch only, as ſeem to me, abſolutely, to require ſome Explication. And the *Motive* for this Proceeding was not only becauſe in this Reſpect I find myſelf prevented by the Diligence of the *Civilians*, who have given very juſt and accurate Definitions of all the Terms which relate to this Subject; but, likewiſe, becauſe I thought

thought the Senſe of many *Technical* Words were either ſufficiently clear *Ex vi Termini*, or at leaſt by a well known and ſettled Acceptation, and ſo as to require no further *Eclairciſſement*.

I muſt acquaint the Reader, I have made a *geometrical Computation* in the deſcending Claſſes of the ſecond Column of the *Kalendar*, whereby the Progreſſion, or *Deſcent* of Blood appears to be ſuch, with Reſpect to every *Generation*, or *Lineal Succeſſion*, (after Sons and Daughters) from the firſt *Original Stem*, that the Degree of Proximity to ſuch Original Stem is abated by every *Generation*, or *Lineal Succeſſion, one full Half*; but yet ſo, as to be capable of infinite *Gradations* and Declinations, without any Poſſibility, that the Relation or Conſanguinity to ſuch Original Stem ſhould ever be totally abſorbed, or exhauſted.

The Child being produced from the Blood and *Stamina* of both Parents, *Ex utroq; parente fuſus et ſatus*; there immediately

mediately commences a *Totality*, or *Intireneſs* of Conſanguinity between ſuch Child and its Parents; but between ſuch Child and the Grandfather, or Grandmother, there remains only a *ſemitotal*, or half of that total Relation ſubſiſting; the Degree of Conſanguinity decreaſing one full Half in every lineal Tranſmiſſion, as has been already noted.

THE Kalendar, which is affixed to this Treatiſe, may (as often as Occaſion requires) be further extended (even indefinitely) by the Addition of aſcending and deſcending Claſſes; and note, as long as there is any Perſon, who is of the Blood of the Purchaſor in the aſcending *Scale* of the firſt Column, or Deſcendents from ſuch Perſon, no Perſon, who is contained in the aſcending Claſſes of the third Column, can inherit; and likewiſe, as long as there is any Perſon in the aſcending Claſſes of the third Column (or collateral Anceſtors of ſuch aſcending Claſſes) *P.* cannot inherit. *Note*, the *higheſt* Claſs in the *ſecond* Column contains the lineal Anceſtors of the *Males*, who are comprized in

in the *ſubordinate aſcending* Claſſes of that Column, and of both *Males* and *Females*, who are compriz'd in the *ſubordinate* Claſſes of the firſt Column, and in the *Central* and *Deſcending Claſſes* of the ſecond Column. Note, the firſt Column (from *C.* incluſive upwards) contains all the *German* Brothers and Siſters of the Males, who are comprized in the reſpective parallel Claſſes in the ſecond Column, and that the third Column (from *P.* incluſive upwards) contains all the *German* Brothers and Siſters of the *Femes*, who are comprized in the reſpective parallel Claſſes in the ſecond Column. *Note*, the Wives of the ſeveral Males, and the Huſbands of the ſeveral Females in the firſt and third Columns, and in the central and deſcending Claſſes of the ſecond Column, are not comprehended within the *Kalendar*, becauſe they have no Conſanguinity to the *central* Claſs, neither can they by any Poſſibility inherit. Note, every Perſon, who is deſcended from the ſame Stem, from whence any Perſon propoſed is deſcended,

ſcended, and who is neither the immediate Parent, nor the *Progenitor*, nor Progeny of the Perſon propoſed, is properly denominated a *Collateral Relative*.

It may perhaps contribute to amuſe the Reader agreeably, (if it ſhould not at the ſame Time tend to fix and ſettle this Matter more completely in his Underſtanding) to explain and *exemplify* this by the *Kalendar*; therefore the Reader will be pleaſed to obſerve, that every Claſs in *a-a* is collateral to the Male of that Claſs, which is parallel to it in the ſecond Column, and to the Male of every Claſs in *a-b*, which is below the Claſs, which is parallel to it in that Column, and to both Males and Females, who are contained in the *Central* and *Deſcending* Claſſes of the ſecond Column and in *D.* and is likewiſe Collateral, on the Female Side, to every Claſs in Column third, which is above it in that Column, and to the Deſcendents from ſuch Claſſes; the Femes in *a-b* are likewiſe collateral to the reſpective *Parallel* Claſſes of Column

third; and *note*, that where the Perſons, who are comprized in any Claſs are collateral to any *Perſon*, all the Deſcendents from ſuch *Perſon* are properly denominated collateral to ſuch Claſs and to all its Deſcendents.

The Word Collateral is, always, to be underſtood in a *relative* and *reciprocal* Senſe; the Nephew (for Inſtance) is collateral to the Uncle, and the Uncle to the Nephew, *&c.* and note, the Relation collateral always, firſt commences among Brothers and Siſters.

John Kirby, for Inſtance, has three Brothers, *Robert*, *Thomas* and *William*, and two Siſters, *Jane* and *Dorothy*; all theſe Perſons are not only collateral to each other; but all the Deſcendents of *John Kirby* are collateral to all his Brothers and Siſters, and to all their Deſcendents, as all their Deſcendents are in like Manner, and *vice verſâ* collateral to *John Kirby* and to all his Deſcendents, purſuant to the forgoing Remark.

It is neceſſary, that I ſhould apprize my Reader, that where I uſe and introduce the Name *John Kirby* in the enſuing Diſcourſe; he is to be conſidered, as *Perſona Dramatis*, a *mere Proteus*; the Name ſtanding for any Perſon, whom the Reader will be pleaſed to ſubſtitute in his Room, and not for any ſingle *Individual*, to whom ſuch various and inconſiſtent Conditions of Life, as I hereafter aſcribe to him, could not, without great Abſurdity, be allotted. After this Advertiſement;

I ſhall now proceed to ſhew, how Lands in *Fee-ſimple* deſcend, and how the Right and *Ownerſhip* to them devolves upon the Death of the *Purchaſor*, and is acquired, in *Right* of *Succeſſion*, by the *Relatives* and *Conſanguinei* of the *Purchaſor*, according to *Proximity* and *Worthineſs* of *Blood*. And note, every Perſon, *Male* or *Female*, is ſaid to be ſeized of an *Eſtate*, or *Inheritance in Fee*, in whom the abſolute Right, Poſſeſſion and

(4) *Propriety* of Lands and Tenements, or the (5) *Allhood* of them (if I may be allowed the Expreſſion) is ſo far lodged and *veſted*, as that upon his, or her Death, who is thus ſeized without making any antecedent Diſpoſition by *Deed*, or *Teſtament in Writing* (which ſuch Perſon hath the (6) Power to do) the Lands will deſcend *in infinitum*, and go in *perpetual* Succeſſion by the *ſole* and *unaſſiſted Act and Operation of Law*, to ſuch of his, or her Deſcendents, or other *Relatives*, as, in a legal Computation, have a preferable Worthineſs and prior Right of Blood to all others: In what this prior Right or preferable Worthineſs of Blood conſiſts, and what is the legal Courſe and Order of Succeſſion, is the Subject of theſe Papers to explain.

THE Perſon or Perſons, upon whom the Law caſts the Inheritance, upon the

(4) Interdum *proprietatem* verbum poſſeſſionis ſignificat. *D.* 50. 16. 78.

(5) Allodium.

(6) See 32 *Hen.* 8. *Cap.* 1. & 34 *H.* 8. *Cap.* 5. & 3 *Report* 30.

Death

Death of his, her or their *Anceſtor*; that is to ſay, upon the Death of the Perſon, from whom they, immediately, inherit, is called (7) Heir; and the Perſon, from whom the Inheritance is *ultimately* and immediately derived, (to borrow a *Phraſe* from the *Schools*) may, not improperly, be called proximus *Terminus a quo*; as the Heir may be called *Terminus ad quem*, *viz.* the Perſon or Perſons, in whom the Inheritance *centers*, and to whom it reſorts upon the Death of the Perſon ſeized.

THE following Rules, with the ſeveral Exemplifications annexed, or which may be found diſperſed in the Treatiſe, will, in our Opinion, ſet the *whole Doctrine*, in Relation to Deſcents, in its proper Light.

Rule firſt. THE Inheritance upon the Death of Purchaſor goes to the eldeſt Son of Purchaſor, and upon the Death of the eldeſt Son, or upon the Death of any

(7) Dicitur haeres, qui eſt ex juſtis nuptiis procreatus, et qui haeret haereditati, vel fit herus haereditatis per mortem anteceſſoris *proximitate* ſanguinis.

Perſon, who becomes afterwards ſeized in the ordinary Courſe of Succeſſion, it goes to the eldeſt Son of the Perſon, who dies ſeized of the Inheritance; but where the Perſon laſt ſeized leaves no *Iſſue Male* at his Death, the Inheritance, then, goes to all the Daughters of ſuch Perſon in equal Shares and Proportions. And note, that *whereſoever* the Inheritance goes; the eldeſt Male always takes it in Right of his *Primogeniture*, excluſively of all his Brothers and Siſters; whether ſuch Heir Male be Son, Grandſon, Great Grandſon, or remoter lineal Deſcendent, or Brother, Uncle, Nephew, Coſen, or other *Relative* of the *whole Blood* to the Perſon, from whom the *Inheritance proximately* and *immediately* deſcends; but the Law has not extended this *Privilege* to the eldeſt Female; for all the (8) *Inheritable* Females, who are Siſters of the whole Blood to each other, ſucceed as *Coheirs* and *Coparceners*, and in equal Shares to the Inheritance, and make

(8) She is not inheritable, who is lineal Anceſtor to the Perſon laſt ſeized, for which ſee Rule third, *et alibi poſt.*

but

but one *Heir*, whether they ſtand in the Relation of *Siſters*, *Aunts*, *Nieces*, *Coſens*, or they are remoter *Relatives of the whole Blood* to the Perſon laſt ſeized of the Inheritance; but note, all the Daughters, tho' by *ſeveral Venters*, ſucceed to the *Inheritance* of their Father; and all the Daughters by *ſeveral* Husbands ſucceed to the *Inheritance* of their Mother. (9)

Rule ſecond. WHERE an Heir *apparent*, or any Perſon, who might have been heir, had they ſurvived the Perſon, who is ſeized of the Inheritance, die during the Life of the Perſon ſeized; the Children and Deſcendents of the deceaſed Perſon, who was Heir apparent, or who might have been Heir, ſhall ſucceed upon the Death of the Perſon ſeized, purſuant to the *firſt Rule*, in the ſame Manner, to the Inheritance, as ſuch deceaſed Perſon, who was Heir apparent, or who might have been

(9) Note, by the Word *Inheritance here* mentioned, I do not mean, only the Lands, of which their Father, or Mother die, actually, ſeized; but likewiſe any Lands, which the Daughters may inherit *in Right of their Father, or Mother*, and to which their Father or Mother would have been Heir, *if they had ſurvived.*

Heir, would have done, if they had ſurvived;

The lineal Heir of ſuch Heir apparent, or of ſuch Perſon, who might have been Heir, (tho' ever ſo remote) being conſider'd, with Relation to the Deſcent of the Inheritance *upon ſuch lineal Heir*, always and in all Reſpects, *quaſi alter Idem* with ſuch Heir apparent, or Perſon who might have been Heir; but where a lineal Heir dies *after Entry*; the Inheritance (where there is no nearer Heir) does not always *veſt* among the *Collaterals* of the *Femes* in *a-b*, as if ſuch lineal Heir was *alter Idem* to the Purchaſor; as we propoſe to demonſtrate in the *Sequel*.

And note, that where any Claſs in *a-c*, which might have been Heir to the Purchaſor, or to the Perſon ſeized (had it ſurvived) becomes extinct; the *Collateral Anceſtor* of ſuch Claſs in *a-c*, who is Heir to it, upon its becoming Extinct, doth not always ſucceed to the Inheritance, to which the Claſs in *a-c*, which is extinct, might

might have been heir, if it had not been extinct.

WHERE *John Kirby*, for Inſtance, purchaſes and dies; *A.* and *B.* and *a-a* being extinct at his Death; the Inheritance will go to *K.* but if *K.* is likewiſe extinct at his Death; the *paternal* Uncle, or *paternal* Aunts, *&c.* of the whole Blood to *K. viz. C. &c.* of *K.* who are Heir to *K.* ſhall not be conſider'd upon the Death of *John Kirby* with Reſpect to their Right of ſucceeding to the Inheritance, but according to the Degree of their *Proximity* and *Relation* to *John Kirby*; and muſt make Claim from (10) him and not from *K.* tho' that Claſs (*viz. K.*) would have been his Heir, had it ſurvived him.

HENCE it often happens, that the collateral Anceſtor of ſuch Claſs in *a-c*, which is extinct, which Claſs, if it had not been extinct, might have been Heir to any *Perſon propoſed* upon the Death of

(10) See *Co. Litt. fo.* 11. *b.*

the

the *Perſon propoſed*, is not the Heir of the *Perſon propoſed*; tho' Heir to the Perſon, or Claſs in *a-c*, which is extinct; and which would have been Heir to the *Perſon propoſed*; if it had not been extinct; as we ſhall evince more fully hereafter.

Let us ſuppoſe, that *John Kirby* dies ſeized in Fee; leaving three Grandſons and a Grandaughter by his eldeſt Daughter; and three Grandaughters by his youngeſt Daughter, (his two Daughters, his only Children, dying in his Life-time) his eldeſt Grandſon by his eldeſt Daughter ſhall have Half the Inheritance; and all the Grandaughters by his youngeſt Daughter ſhall have the other Half the Inheritance; and the two younger Grandſons, and Grandaughter by his eldeſt Daughter ſhall have no Share in it: The eldeſt Grandſon by his eldeſt Daughter inheriting in Right of his Mother; and his three Grandaughters by his youngeſt Daughter inheriting in Right of their Mother.

WHERE *John Kirby* is ſeized in Fee, and his eldeſt Son dies before him, leaving Daughters, and afterwards *John Kirby* dies, leaving ſeveral Sons; all his Grandaughters by his eldeſt Son ſucceed to the Inheritance (purſuant to the *firſt* and *ſecond* Rules) *excluſively* of all his other Children, *Jure repraeſentationis*, as Heir to his eldeſt Son, who would have been his Heir, had ſuch eldeſt Son ſurvived him.

Rule third. No *lineal* Anceſtor of the Perſon *laſt ſeized* can inherit, and conſequently neither *D.* nor *Q.* of any Perſon laſt ſeized can, *immediately*, inherit; yet *where* and *after* the Inheritance hath *veſted* in any Perſon comprized in any Claſs in *a-a*, then the *lineal* Male Anceſtor of the Purchaſor in the parallel Claſs in *a-b* (according to the Order and Priority of his Birth in that Claſs, where the Inheritance has *veſted*) becomes inheritable; and conſequently the Children of ſuch *lineal* Anceſtor, which are only *half Blood* to Purchaſor, in this Caſe

Caſe become inheritable, purſuant to the *ſecond Rule*; and, in like Manner, *where* and *after* any Perſon comprized in any Claſs in *a-c* becomes actually ſeized, *then* (and *not before*) the lineal Female Anceſtor of Purchaſor in the parallel Claſs in *a-b* becomes *inheritable*, ſuch lineal Anceſtors being in *both theſe* Caſes conſider'd as *collateral in pari gradu*, and (conſequently as being of the full Blood,) then to be ranged and diſpoſed in the ſame Claſs with the *Perſon*, who is then ſeized. When I ſay, therefore, that any Claſs in *a-a* of Purchaſor becomes extinct *before Entry*; it is not to be infer'd from thence, that the lineal *Male Anceſtor* in the Claſs, which is parallel to it in *a-b*, is likewiſe *extinct*; but where I ſay, any Claſs in *a-a* becomes extinct *after Entry*; then the Male Anceſtor of Purchaſor in the Claſs parallel to it in *a-b* is always to be ſuppoſed to be extinct.

This Remark is applicable to *a-c* of Purchaſor, when I ſay, any Claſs in it becomes extinct before or after Entry; if be-

fore

fore Entry, then the Feme in the parallel Claſs in *a-b* is not ſuppoſed to be extinct; if after Entry, ſhe always is ſuppoſed to be extinct: This Diſtinction is the more important, becauſe not only the Father and Mother of Purchaſor, but any lineal Anceſtor of Purchaſor may have Iſſue, which are only of the half Blood to Purchaſor.

HAVING premiſed thus much, we now proceed to lay before the Reader the Hiſtory of the Courſe and Order of the Deſcent, or Succeſſion, according to the Laws of *England*. Let us ſuppoſe therefore for our Purpoſe, that *John Kirby* is Purchaſor; the Inheritance upon his Death deſcends upon *A.* but where *A.* is extinct at his Death, the Inheritance goes to *B.* and where *B.* is likewiſe extinct at the Death of Purchaſor, or becomes ſo either before, or after Entry, then the Inheritance will go to *C.* and where *C.* is likewiſe extinct before or after Entry, then the Inheritance will go to *E.* of the Purchaſor; and where *E.* is extinct before or after Entry, it will go to any other Claſs above it in the firſt Co-

lumn,

lumn, which happens to be the neareſt ſubſiſting Claſs above it in that Column; but if *a-a* is totally extinct at the Death of Purchaſor; then the Inheritance will devolve upon *K.* and where *K.* is extinct before Entry; then it goes to *L.* and where *L.* is extinct before Entry, then it will go to (11) *C.* of *K.* before it will go to *C.* of *L.* or to *M.*

In

(11) Here I would raiſe a *Quære*, or *Dubitatur*, whether the Deſcendents from the *Collateral Anceſtors* of the ſeveral Claſſes, which are above *P.* in *a-c*, are inheritable, or not before *P.* and, in my Opinion, the Doctrine, either way, ſeems chargeable with ſome *Repugnance*; for, on the one Hand, if they are to be prefer'd to *P.* (as I conceive the Law is) then it directly impugns and impeaches the *Rule*, which gives the Inheritance, *ratione proximitatis*, to *K.* before *L. viz.* to the Brother, or Siſters of the Grandmother in *a-b*, in Preference to the Brother or Siſters of the *Maternal* Aunt of the Grandfather in *a-b*, on this Foundation (as it has been alleged) becauſe *proxima, non remota, cauſa in jure ſpectatur*; and if the Deſcendents from the *Collateral Anceſtors* of the higher Claſſes in *a-c* are not to be prefer'd to *P.* but to be totally excluded; this would be abſurd; for as much as then the paternal Uncles, or Aunts of the Mother and of the Grandmother, *viz. C.* of *P.* and *C.* of *K.* ſhould not be capable of inheriting; when the Deſcendents from the Brothers and Siſters of the remoteſt Femes in *a-b* are held to be inheritable. To remedy this Inconvenience, there is no Expedient to be found, or deviſed, unleſs the *Rule* or *Aphoriſm, haeres in lineâ rectâ praefertur haeredi in lineâ tranſverſali, propinquior excludit propinquum, propinquus remotum, et remotus remotiorem*, ſhould prevail in all Caſes, or at leaſt, univerſally, with Reſpect to *a-c*, ſo that the Inheritance ſhould go to *P.* in Preference (and before it ſhould go) to any higher

In this Manner the Inheritance is deduced and tranſmitted from the Purchaſor to *a-c*, the Claſs which is next above *P.* in *a-c* being prefer'd in the Deſcent and Tranſmiſſion of the Inheritance, and taking it by reaſon of Proximity before the higher Claſſes in *a-c*; but yet, ſo as that where the neareſt Claſs above *P.* in third Column, which might have been Heir, is extinct, the Claſs which is but one Degree above ſuch extinct Claſs in that Column is prefer'd to (12) *C.* of ſuch extinct Claſs; tho' ſuch extinct Claſs would have been Heir, had it not been extinct; and tho' *C.* of ſuch extinct Claſs is (13) Heir to

Claſs in *a-c*, purſuant to the *Civil* Law; and (what ought to carry a far greater Weight and Sanction with it) to the *true* and *preferable Degrees* of *Conſanguinity*, and to the *Law* of *Nature* founded thereon; and indeed, the laſt mentioned *Aphoriſm* has been originally deſumed and taken from the *Civil* Law, and is not applicable to the *Laws* of *England*; but with great *Diſtinction* and *Limitation*. The *Alphabetical Characters* of the *Kalendar* even of themſelves deſcribe the Nature of the Succeſſion, ſo as to ſhew to any Eye, tho' ever ſo little curious, how little this Maxim obtains with us in directing the Courſe of the Succeſſion, or Conveyance of the Deſcent.

(12) Quære.

(13) There is no Repreſentation allowed among *Aſcendents*, becauſe it would be prepoſterous for the *Major* to repreſent the *Minor*. *Nov.* 127. *c.* 1.

ſuch

ſuch extinct Claſs; and though the Claſs next above ſuch extinct Claſs, which inherits, is *Equidiſtant* from the Perſon laſt ſeized with *C.* of ſuch extinct Claſs; but the higher Claſſes above *P.* in the third Column and the (14) Collateral Anceſtors of ſuch higher Claſſes always have the Preeminence and take Place (as it is ſaid, by Reaſon of (15) Worthineſs of Blood) of † *C.* or *E. &c.* of any lower Claſs above *P.* in third Column, where both are equally diſtant from the Perſon laſt ſeized in Regard to there being (15) more of the Purchaſor's male Anceſtors tranſmitted through and born of the Femes in the higher, than in the lower Claſſes of *a-b.* but where *C.* or *E. &c.* of ſuch nearer Claſſes above *P.* which are extinct in the third Column are nearer, than the Claſs above them in that Column (which is the neareſt of thoſe Claſſes which are ſubſiſting) to the Perſon laſt ſeized: In this Caſe the (14) Collateral Anceſtors of ſuch extinct Claſſes are al-

(14) Or their Deſcendents in Virtue of the *ſecond Rule*, and in Purſuance of the *firſt Rule*, which we have laid down. (15) See more hereafter. † Quære.

ways prefer'd to the higher Claſſes in that Column, and to the Collateral Anceſtors of ſuch higher Claſſes, in Virtue (as it is ſaid) of this Maxim; —*In jure non remota cauſa, ſed proxima, ſpectatur.* — Where all the Claſſes above *P.* in Column third, and the collateral Anceſtors (*viz. C.* and *E. &c.*) of ſuch Claſſes are extinct before Entry; then (and not otherwiſe) the Inheritance devolves upon *P.* —Note, if the Inheritance once veſts among the collateral Anceſtors of Purchaſor in *a-a*, or in any Claſs which is above *P.* of the Purchaſor in the third Column; it can never afterwards go to *P.* of Purchaſor, unleſs we are to ſuppoſe that the Father and Mother of Purchaſor ſhould have Children after the Death of Purchaſor, and after the Inheritance had veſted in any Claſs in *a-a*, or in any Claſs, which is above *P.* in third Column: For otherwiſe the Inheritance will never go to any *Conſanguinei* of the Mother of Purchaſor; unleſs, immediately, on Failure of lineal Heirs, and of *B.* of Purchaſor, there ſhould be likewiſe a Failure of *a-a*, and ſo much

of *a-c* as is above *P.* But if *B.* of Purchaſor ſhould be thus, unexpectedly, renewed; after it was, in all Probability, extinct by the Birth of a *poſthumous* Brother, or Siſter to Purchaſor; then the Inheritance belongs to *B.* notwithſtanding the actual ſeiſin of any Claſs in *a-a*, or in *a-c*, and *B.* may enter (16).

NOTE, where the Inheritance once veſts in any particular Claſs in *a-c*, it will never veſt immediately from thence in any other Claſs in *a-c*, (and from *P.* not at all) in Regard to there being no Conſanguinity between the ſeveral Claſſes in *a-c*, and for that none can inherit, but who make Claim to the Inheritance, as *proximus conſanguineus duplicati ſanguinis*, as neareſt of Kin of the whole Blood to the Perſon laſt ſeized of any of thoſe, who are incluſively of the Blood of the (17) Purchaſor: For both theſe *Ingredients* (as we have already obſerved) muſt indiſpen-

(16) See *Co. Littl. fo.* 11. *b.*

(17) *Half Blood* to the *Purchaſor* may inherit, if ſuch Perſon is of the *whole Blood* to the Perſon laſt ſeized.

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ſably and neceſſarily concur in his Perſon to conſtitute him Heir to the Perſon laſt ſeiſed: it is his Acceſſion to the Inheritance in Virtue of this Maxim, which denominates him Heir, and not always barely and ſolely the Relation he bears to the Perſon, from whom he immediately inherits; tho' it often happens that the Perſon laſt ſeized with Reſpect to the Derivation of the Inheritance out of him, and with Relation to the Progreſs of the Deſcent from him, is conſider'd as the Root and Stem to many intents, as if he had been the Purchaſor; and in many Caſes and Claſſes the Courſe of the Deſcent from the Perſon laſt ſeized varies not in the leaſt (neither can Accidents make it vary) from what it would have been, if the Perſon laſt ſeized had been the Purchaſor; *Ex. Gr.* where and as often as the Inheritance devolves upon *B.* of Purchaſor, or upon the *Collateral Anceſtors* of any Purchaſor in the firſt, or third Column, or by intermediate Deſcents upon *a-b*, or upon *A. viz.* upon the Son, or Daughters of any of theſe Perſons; after Entry of any

of theſe Perſons, the Courſe and Progreſs of the Deſcent is, in all Caſes, the very ſame from them, as if every of thoſe Perſons, from whom the Inheritance thus deſcends, had purchaſed it.

And note, the Direction and Progreſs of the Deſcent is the very ſame through and from every other Claſs, whether in the firſt, or third Column, or in the deſcending Scale of the ſecond Column, which becomes once ſeized of the Inheritance, as long as any Perſon contained in the Claſs, which becomes ſeized, or any Deſcendents from it, are ſubſiſting; as if the Claſs, which becomes ſeized, had been Purchaſor; only where there is a Devolution upon a *Female* Heir; or where a *Female* is Purchaſor; and the Son, or the *Daughters* of ſuch *Female* ſucceed to the Inheritance, and, after Entry, die without Iſſue; and where it is a Son; if *B.* of ſuch Son is likewiſe extinct, or as ſoon as, and whenever there happens to be a Failure of Iſſue to ſuch Son, or Daughters, and where it is a Son of ſuch *Female Heir, or Purchaſor,*

Purchaſor, who ſucceeds to the Inheritance where his *B.* are likewiſe extinct; then the Inheritance centers in the Line of the Mother of ſuch Son or Daughters; whereas had the Son, or the Daughters of ſuch *Female Heir, or Purchaſor* purchaſed the Inheritance; it would have reſorted to and devolved upon the *Line* and *Conſanguinei* of *their Father*; but where any Claſs after Entry becomes extinct; then the Courſe and Order of the Succeſſion always varies according to the Degree of Conſanguinity and Relation, in which ſuch Claſs ſtood to the Purchaſor; and it is worthy of Notice, that the Perſon, who inherits, is not always next of Kin to the Perſon laſt ſeized of the Inheritance, neither in the *paternal* nor *maternal* Lines; but it is always neceſſary, that he, ſhe or they, (18) who inherit, ſhould be as near in Blood to the Perſon, from whom they immediately inherit, as any other Perſon, who is incluſively of the Blood of the Purchaſor, and that they ſhould have the

(18) This is further explained in the Sequel.

Qualifications required by the (19) firſt Rule; where the Inheritance (for Inſtance) by *meſne* Deſcents devolves upon *John Kirby* from his great Grandfather in *a-b*; who purchaſed it, and *John Kirby* dies after Entry; his *A.* and *B.* and *a-a* being extinct at his Death; the Inheritance ſhall go to *M.* tho' of the maternal Line of the Purchaſor, before it ſhall go to *N.* although *N.* is of the Line of the Mother of the Purchaſor's Father, and *Heir of Purchaſor*. *Note*, none of the aſcending Claſſes of Column third, 'till we arrive at *M.* (neither *K.* nor *L.* nor *P.*) are of the Blood of Purchaſor, and conſequently are incapable of inheriting.

Where Lands deſcend from the Grandfather's Grandmother, in Column ſecond, of *John Kirby upon him*, who enters and dies; his *A.* and *B.* being extinct at his Death; the Inheritance will go to *C.* of *John Kirby*, and where *C.* is extinct before, or after Entry; it will go to *E.* of *John Kirby*, and where *E.* is extinct before, or after Entry; it will go to *F.* of *John Kirby*, all thoſe be-

(19) See firſt Rule, *ante*.

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ing Heirs, *ſeriatim*, to *John Kirby* on the Part of the Grandfather's Grandmother in *a-b*, and Deſcendents from her; but the Inheritance will never go to *G.* in Regard to the Want of Conſanguinity of *G.* to Purchaſor; but where *C. E.* and *F.* are extinct; it goes to the Deſcendents of *M.* and where *M.* is extinct; it goes to the Collateral Anceſtors of *M.* in ſuch Manner, as if *M.* had been Purchaſor. So, likewiſe, if Lands deſcend from the Grandmother in Column ſecond of *John Kirby*, who enters and dies without Iſſue; *B.* being likewiſe extinct before or after Entry; the Inheritance ſhall go to *C.* but if *C.* becomes likewiſe extinct before, or after Entry; it ſhall never go to *E.* of *John Kirby* for the Reaſons aforeſaid; but it ſhall go to *K.* Where *John Kirby* is ſeized by Deſcent of Lands purchaſed by his Father; and afterwards dies without Iſſue; *B.* and all the aſcending Claſſes of Column firſt being extinct at his Death; the Inheritance devolves upon *K.* in the ſame Manner, as if *John Kirby* had purchaſed it; and altho', if his Father had ſurvived him, and

died ſeized; *L.* of *John Kirby* would have been Heir to his Father, under the Circumſtances we have ſuppoſed; yet *John Kirby* being laſt ſeized of the Inheritance, it ſhall go to the Heir and worthieſt Blood of the (20) Perſon laſt ſeized, provided ſuch Heir is of the Blood of the Purchaſor; and not to the Heir and worthieſt Blood of the Purchaſor, unleſs ſuch Heir of the Purchaſor is likewiſe Heir to the Perſon, who was laſt ſeized; for he, that makes himſelf Heir *in Fee*, muſt make himſelf Heir to him, who was laſt actually ſeized of the Freehold and Inheritance *in ſuch Manner, as has been already laid down.*

WHERE the Father is ſeized in Fee, and dies, leaving a Son and a Daughter by one Venter, and a Son by another Venter, and upon the Death of the Father the eldeſt Son enters, and dies without Iſſue; then the Inheritance goes to his Siſter upon the foregoing Principle; and *poſſeſſio fratris de feodo ſimplici facit ſororem eſſe haeredem*, is owing to the Truth of the Pre-

(20) See *Ratcliffe's* Caſe, 3 *Rep.* 41. *a. Co. Litt. fo.* 11. *b.*

miſſes,

miſſes, and the pure Effect and Conſequence of this very Way of Reaſoning, *viz.* that it ſuffices to be of the *Blood*, or *Half Blood* of the Purchaſor, and is not always neceſſary to be of the worthieſt Blood, or Heir to Purchaſor; but it is neceſſary to be Heir to the Perſon laſt ſeized, that is to ſay, to be the worthieſt and neareſt of thoſe *Relatives*, who are of the whole Blood to the Perſon laſt ſeized, (*exceptis præexceptis*) and who are likewiſe, and incluſively, of the Blood of the Purchaſor. If this Conſtruction ſhould not prevail; the Rule, *ſeiſina facit ſtipitem et primum Gradum*, would be intirely without Effect, or Operation. Where *John Kirby* purchaſes, and dies without Iſſue, and *B.* and *a-a* is extinct, likewiſe, at his Death; then the Inheritance goes to *K.* and where there are none but Males, or only one Female in *K.* at the Time of the Devolution of the Inheritance upon that Claſs; if, after Entry of any of the Males, or of the (21) *Female*; *K.* becomes extinct, ſave only the

(21) But if ſhe marries and has Iſſue, who die before her, and her Husband ſurvives her; the Husband enjoys the Inheritance for his Life, by the Curteſy of *England*.

Grandmother

Grandmother of Purchaſor in *a-b* ſurvives; then the Inheritance goes to the Grandmother of Purchaſor in *a-b*; and if it ſhould deſcend to the Father of Purchaſor, from thence; upon his Entry, and Death without Iſſue, which ſurvive him, the Inheritance will go to *L.* of Purchaſor; and note, where there are none, but Females in the Claſs in *a-c*, upon which the Inheritance devolves; the lineal Female Anceſtor of the Perſon laſt ſeized, whether Mother, Grandmother, *&c.* is not intitled to the (22) Coparcenary; tho' Siſter of the whole Blood to that Claſs which inherits. (See Rule third.)

HALF Blood to the Purchaſor can never inherit, unleſs in Conſequence of intermediate Deſcents; where *John Kirby* is Purchaſor; in Failure of Iſſue to him; the Inheritance ſhall rather eſcheat, than it ſhall go immediately on his Death to *D.* or *Q.* and even, where the Inheritance, in

(22) Quære, why ſhe ſhould not be intitled to an equal Share, as Coheir with her Siſters — her Siſters, who are *in pari Gradu* to her, having *attached* and *attracted* the Inheritance to them.

Virtue

Virtue of intermediate Deſcents, devolves upon *Half Blood* of Purchaſor, *viz.* upon *D.* or *Q.* yet it will not go to the *Conſanguinei* of *D.* or *Q.* who are not of the Half Blood of the Purchaſor; the Inheritance, for Inſtance, upon the Death of Purchaſor, where *A.* and *B.* are extinct at his Death, goes to *C.* and if the Uncle in *C.* after Entry dies without Iſſue; it will go to the Father of Purchaſor, where he is the eldeſt of the ſurviving Brothers of that Claſs; or if the Perſon laſt ſeized in *C.* has no other Brother; and if the Father is dead; in this Caſe it will go to *D.* of Purchaſor; but the Inheritance ſhall never go from thence, in Failure of Heirs on the Part of the Father of Purchaſor, in all the three Columns, to the *Collateral Conſanguinei* of the Mother of *D.* in Regard to their Want of Conſanguinity to the Purchaſor. Where *John Kirby* purchaſes and dies, and *A.* and *B.* and *a-a*, and ſo much of *a-c*, as is above *P.* and the Collateral Anceſtors of all the Claſſes above *P.* in *a-c*, are extinct; the Inheritance goes to *P.* and from thence, after the Entry of

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any Perſon comprized in *P.* it may go to the Mother of Purchaſor in ſuch Manner, as we have deſcribed Females to be inheritable. If *P.* is likewiſe extinct at the Death of Purchaſor; the Inheritance ſhall go to the *Collateral Anceſtors* of the Purchaſor's Mother, *viz.* to *C.* or *E.* *&c.* of *P.* and from thence it goes in the ſame Manner, as if *P.* or ſuch Collateral Anceſtors had purchaſed it. This Remark alſo holds good (as has been already obſerved) with Reſpect to every other Claſs above *P.* in Column third, always after Entry; but when all the higher Claſſes above *P.* in *a-c*, as well as the nearer Claſs above *P.* in *a-c*, which would have been Heir (had it been ſubſiſting) are extinct, and *C.* and *E.* *&c.* of ſuch higher Claſſes are likewiſe extinct, only there are Deſcendents from the Collateral Anceſtors of the nearer Claſs in *a-c* above *P.* remaining; then the Remark holds with Reſpect to ſuch Collateral Anceſtors, altho' the nearer Claſs above *P.* never entred. Where Lands deſcend from the Mother to the Son, and the Son enters, and dies without Iſſue, *B.*

being,

being, likewiſe, extinct at his Death; in ſuch Caſe the Heirs of the Part of the Mother, *viz. P.* or, in Default of that Claſs, *C.* or *E. &c.* of *P.* according to their Degree of Proximity, ſhall inherit; and in Default of ſuch Heirs, the Inheritance ſhall rather eſcheat, than it ſhall go to the Heirs on the Part of the Father, *et ſic è converſo*, where Lands deſcend from the Father to the Son, *&c.*

WHERE there are Jointenants; the Survivor takes the Inheritance, unleſs there is a Deed entred into by them, with proper Clauſes and Covenants, to prevent the Effect of ſuch Survivorſhip; or when there are two Jointenants, and one of them *aliens*, or *paſſes a Fine*; then the *Alienee*, or *Cognizee* of *ſuch Fine* (where there is a Deed to lead the Uſes) and the other Jointenant hold as Tenants in Common; in which Caſe the Inheritance does not go to the Survivor; the Jointure being diſſolved and ſevered by ſuch *Fine*, or *Alienation*, and, conſequently, where the Uſes declared upon any Fine veſt the Inheritance

heritance in the *Cognizor* and his Heirs; the Cognizor takes as (23) an *original Purchaſor*; and in all Caſes, where the Line of the Deſcent is once broken by the *Alienation* and *Repurchaſe* of any Perſon, upon whom the Inheritance deſcends, then ſuch Perſon is to be conſider'd, as an *original Purchaſor* in all Reſpects; but a *Conveyance*, or Deviſe of Lands, of which the *Grantor* or *Deviſor* is ſeized in Fee, to the Heir at Law of the Grantor or Deviſor in Fee, is void, and the Heir ſhall take by *Deſcent*, and not by the *Conveyance* or *Deviſe*. See the Caſe of *Counden* and *Clerk* in *Hob.* 30. See *Co. Litt.* 22 *b.* *Style* 148. 3 *Lev.* 127. 1 *Salk.* 241. *Clerk* and *Smith.*

NOTE, in ſome Places within this Realm, by *particular Cuſtom* and *Uſage immemorial*, Lands deſcend to all the Sons, and in ſome other Places to the youngeſt Son only; the firſt of theſe Cuſtoms is called *Gavel-kind*; the other

(23) 1 *Salk.* 337. *Carthew* 140—1. 1 *Shower* 92. 1 *Salk.* 590.

Borough Engliſh; but of theſe we do not propoſe to treat; ſee *Co. Litt. for theſe Things*, 110 *b.* 140 *a. Litt. Sect.* 210, 211, 165. neither does it fall properly within the Province, we have aſſigned to this Diſcourſe, to ſhew what Impediments may obſtruct the Deſcent of the Inheritance in the regular Courſe of Succeſſion; this Matter being already well handled in 1 *Cap.* of *Co. Litt.* intitled *Fee-ſimple*, and in the Caſe of *Collingwood* and *Pace*, reported in 1 *Vent. pa.* 413. and in the Caſe King and *Boreſton* and *Adams* in *Noys Reports* from *fo.* 158 *per totum*; and for the very ſame Reaſon we decline to ſhew *by what Words* an Eſtate or Intereſt *in Fee* paſſes in a *Feoffment*, or *Grant*, and *by what* in a *Will*; but refer the Reader to the aforeſaid Chapter in 1 *Inſt.* and to *Salk.* and to the *General Abridgment* of *Caſes in Equity*, under the Title, *Deviſe* in the two laſt mentioned Books, as likewiſe, under the Title, *Deſcent* in *Salk.* where the Authorities, which govern this Queſtion (by a very rare Occurrence in Books of Law, which have been printed

printed of late Years) are cited with tolerable Exactneſs, and ſo *pertinently* and *appoſitely*, that the Reader will not loſe his Labour altogether; either by not finding the Caſe refer'd to, or by finding it makes little, or nothing to his Purpoſe, when found. Neither do we engage in the *Title* of *Dower*, or in the Tenure, where the Husband holds the Lands for his Life by the *Curteſy of England*, becauſe this Matter is well treated by *Litt. Sect.* 35 and 36, and moreover theſe Tenures are not confined to *Eſtates in Fee-ſimple*.

We propoſed (at our firſt ſetting out) to comprehend within this Eſſay little more, than a *Commentary* upon *Plowden* in the Caſe *Clare* and *Brooke*, alias, *Cobham* reported by him; and we have been ſo juſt to that Intention, as not only to have explained all the obſcure Paſſages of that Author; but we have given the Reader (as we conceive) a full and clear Proſpect of the whole *Orb* or *Circle*, in which Inheritances are deſtined by the Polity and

Wiſdom of our Laws to move and fluctuate.

And *thus* the Law hath ſtood in all the Particulars, I have related, above 500 Years, without the leaſt Variation in this Reſpect; I ſhall, therefore, cloſe the Whole with a few Remarks; and firſt, as to the Excluſion of the lineal Anceſtor; this has been long and ſtill continues to be a *popular* Objection againſt the *Equity* of our *Laws* in this Inſtance.

The Excluſion of the lineal Anceſtor has been inſiſted upon and declaimed againſt, as what greatly derogates from the *Luſtre* of *our national Juſtice*, and as ſuch a Branch of *public Oeconomy*, as is not inſpired with that Regard to a true and *univerſal* Expediency, which ſhould never fail to accompany and adorn the *public Acts* of a wiſe and polite, and learned People; and yet I think, this Excluſion will admit of a very fair and juſt Defence upon the *Feudal* Plan; becauſe if the Father ſhould *inherit*,

immediately, from his Son, where the Son is a Purchaſor, and dies without Iſſue; then, where the Father dies in the Life-time of his Son, without having any other Children; the Mother, by Parity of Reaſon, where the Son dies without Iſſue, would inherit; and, in this Caſe, if the Mother, after Entry, became *extinct*; the Inheritance would devolve upon *P.* by which Means *a-a*, and all the Claſſes above *P.* in *a-c* (whom thoſe, who firſt *introduced* and *inſtituted* thoſe Tenures, intended ſhould be prefer'd to *P.* in their Claim and Succeſſion to the Inheritance) would be, intirely, diveſted of all Hopes and *expectant* Right to the Inheritance.

WHEREAS, as the Law now ſtands; this Accident cannot, poſſibly, ever happen; but *a-a* and all the Claſſes above *P.* in *a-c* (purſuant to the Views of thoſe, who enacted this (24) Conſtitution) muſt be

(24) Tho' Deſcents are regulated and governed by the *Common Law*, or the *General Cuſtom* of the Realm; yet ſuch Cuſtoms,

be totally extinct and *exhauſted* before Entry, or otherwiſe *P.* of the Purchaſor cannot take the Inheritance, as has been already ſet forth. If it is ſaid, that the lineal *Male* Anceſtor of the Purchaſor might have been made inheritable, and the lineal Female Anceſtor might have been excluded, or that the lineal Female Anceſtor might have ſucceeded, only, in ſuch Manner, as the Females in the ſeveral parallel Claſſes in *a-c* ſucceed; ſuch a Digeſtion, or Modification, I think, would have been no great Honour to the *Syſtem*; but would have render'd it greatly deficient in Juſtice, and a *proper Decorum*. It may be further alleged, in Defence of this Excluſion; that the Conſtitution, which excludes the lineal Anceſtor, was, originally, introduced and had its Sanction from ſuch Anceſtors, as were *Fathers*. So that *Volenti non fit Injuria*, and that it

Cuſtoms, as well as the *Common Law* itſelf, are, reaſonably, ſuppoſed to have had their firſt Foundation and Commencement in and from the *Legiſlature:* Tho' by Length and *Diuturnity* of Time the Memorials, which contained the Evidence for the Certainty of this Conjecture, are now no where to be found.

therefore becomes our Duty to obſerve and adhere to it; for

——— *Vir bonus eſt quis ?*
Qui conſulta patrum, *qui leges, Juraq; ſervat.*

It may be alleged, that the Gifts of Parents to their Children proceed, and are conveyed to them with a better and more abſolute Grace; the further the Diſtance is, at which they have placed the Poſſibility of a *Reſumption*, or of the Inheritance *reverting* to them.

It may be alleged, that it is likewiſe a Proof of their *Magnanimity* and *Affection*, in that they conſider'd the Loſs of their Children, as the greateſt Misfortune, which could befall them, and that it is contrary to Nature to ſuppoſe, the Parent ſhall ſurvive his Child; that therefore they would not *antedate* their Miſhap by making any Laws, which might have a *Retroſpect* in their own Favour, in Conſequence of ſo melancholy a Contingency.

It may be alleged, in Favour of this Excluſion, that it is a Matter, which highly concerns the *Honour* of *Parents*, that this *Conſtitution* ſhould ſubſiſt; for as much as the Benefits, which Children receive from them, are of ſuch a Nature, as not to admit of the *Familiarity* and *Equality* of a *Compenſation*; and that, therefore, in this View, it is, certainly, *beatius dare quàm accipere.*

It may be further alleged, that, where can be the Inconvenience, if Inheritances purſue the *Law* of thoſe (25) *Elements*, which conſtitute the *ſubject Matter* of them, and which abhor all *centrifugal* Motion, and have an inevitable Tendency *downwards* to their proper Centre? Do not we ſee, that Rivers forſake the Springs, which feed them, and fly from thence never to return again? I am ſenſible, *many ſuch-like* Arguments, as theſe, may be uſed in Favour of the Excluſion of the lineal

(25) Quaelibet *haereditas naturaliter* quidem ad haeredes haereditabiliter deſcendit, nunquam quidem *naturaliter* aſcendit; deſcendit itaq; jus quaſi *ponderoſum*, &c. *Co. Litt. fo.* 11. *b.*

Anceſtor; but however, as it is of great Importance to the whole Kingdom, that the Fountains of Juſtice, and the Streams, which ſupply them, ſhould run clear and free from all *impure* Mixtures; it will be neceſſary, not ſo much to affect to *pay* the *Tribute* of *Praiſe*, or to *play* the *Rhetorician*, in drawing up a *formal* and *artificial Laudative* of this Branch of Learning, as to enter into a ſolid and ſerious Diſquiſition (if that may be compaſſed) upon this Subject, and to deſcend to ſuch *Univerſalities* of reaſoning upon it, by which the Queſtion can only be rightly determined, how far this *Syſtem* is more or leſs defective in its Deciſion (through all the ſeveral Contingencies, we have laid down) upon the Right of Succeſſion to Lands in Fee, and of the Property, which veſts immediately upon the Death of any Perſon, who is ſeized of the Inheritance in ſome of the Relatives, or Kindred of ſuch deceaſed Perſon, in ſuch Method and Order, as we have ſtated. And I muſt own, that this *Syſtem*, as it

now

now ſtands, (tho' there is, certainly, not a true and intire Correſpondence and Coherence in all the Parts of it, yet) is drawn up with great Depth of fine Contrivance, ſo well; that if the following *Poſtulata* were granted, *viz.* that the lineal Anceſtors ought to be excluded in ſuch Manner, as they now are; and that the remote *Agnati* ſhould ſucceed to the Inheritance, before the near *Cognati*; and ſo as to exclude them, and that *K.* and the Claſſes above *K.* in the third Column ſhould be prefer'd to *P.* no *Alternative* could be offer'd in lieu of this *Syſtem*, ſo as to be *compatible* with all the *other Parts* of it, which would be liable to leſs Objection, or perhaps to ſo little; but theſe are the very Points, upon which the Objection ariſes, and upon which the Merits of the Queſtion will depend. We have already offered what has occurred to us, in Relation to the Motives, which, probably, might contribute to the Excluſion of the lineal Anceſtor; and it remains, that we ſhew (as well as we can) the probable Reaſons, why the Laws of *England*

have prefer'd the remoteſt *Agnati* to the neareſt *Cognati*, (that is to ſay, the remoteſt collateral Anceſtors in the firſt Column, to the neareſt collateral Anceſtors in the third Column) and *K.* to *P.* in the Manner, they do: And here I muſt own, that the *Pre-eminence*, which is given to the *Male* Line, and to the *Agnati* in the *Tranſmiſſion* of the *Inheritance*, does not ſeem to me to be *derived* from, or owing to any *natural Prerogative*, which is *inherent* in the Male Sex beyond the other; but to be the ſole Effect and mere *Creature* of a *political Appointment*. For let us, only, ſuppoſe, for once, that a Sort of *Amazonian* Plan was to be introduced among us, *viz.* that the eldeſt Female was made inheritable in ſuch Manner, as the eldeſt Male now is, and that the Males were put under the ſame *Incapacities*, and placed in the ſame *Situation*, with Reference to the Deſcent of the Inheritance upon them; as the Females now are; and that the Females impoſed *Surnames* upon their Husbands in ſuch Manner, as the Men impoſe *Sur-*

names

names upon their Wives; and, *then*, the *Females* will ſtand in the ſame *Light* in Reſpect to this *Syſtem*; and *coincide* with it, as fully and effectually, to all Intents and Purpoſes, as the *Male* Line now does under the preſent Regulation; ſo that this *ſuppoſed Worthineſs* of *Sex* ſeems to me to amount to no more (as I ſaid before) than this, that it is the ſole Creature of a political Appointment, and, conſequently, the Maxim of the Civil Law, which ſays, *Jura ſanguinis oriuntur a patre*, (26) is to be underſtood, only, *ſecundum ſubjectam materiam*, *viz.* becauſe the Law hath ſettled it ſo; and no otherwiſe; but although this ſhould be allowed to be the Caſe, (as I think, it will appear to be in the Sequel of what I have to offer, beyond all Poſſibility of Contradiction) yet it may be ſeriouſly alleged in Favour of ſo much of this Platform, as prefers the eldeſt Male in every Claſs, and the *Agnati*; — that it is a Meaſure wiſe-

(26) Ut Caius *l.* 2. *Inſt. tit.* 8. Caſſius *l.* 1. § Conſanguineos *ff.* de ſuis et legitimis, *l.* 4. *ff.*

ly

ly and nobly calculated to produce all the Virtues, which can make a Nation happy and glorious; for as the Female Sex are of too delicate and exquiſite a *Form* and *Contexture* to be able to bear a Share in the Adminiſtration of *Arts* and *Arms*, (beſides Nature has provided for them more ſuitable, and not leſs honourable, or agreeable Employments) the Males, conſequently, exerciſe all the Profeſſions, by which *Honours* and *Inheritances* are acquired; therefore it may be alleged, that for the Males to give Surnames to their Children, and for *Honours* and *Inheritances* to deſcend to the eldeſt Male in every Claſs, excluſively of the reſt, and to the *Agnati*, (27) in the Manner, this *Syſtem* provides, is the beſt and moſt effectual Expedient, which the *Wit*, or *Policy* of Man could invent, to *embalm*, and, as it were, to deliver down and conſecrate to Perpetuity the Memory of worthy Actions, or *heroical* Atchievements, as well as to be a

(27) Where the Inheritance goes to an *Agnata*, if ſhe dies without Iſſue, it goes to the *Agnati* of ſome ſuperior Claſs in her Family.

conſtant

conſtant Spur and *Incentive* to Perſons, upon whom *Honours*, or *Inheritances* devolve in the Courſe of Succeſſion, to emulate thoſe Virtues, which are ſo uſeful to their Country, ſo *reputable* in the Perſon, who is poſſeſſed of them; and which have been attended with ſuch honourable and advantageous Conſequences in that very Family, from which they are deſcended.

But on the other Hand, I am ſenſible, many Objections may be offered to ſhew, that this *Syſtem*, does not, in thoſe very Reſpects, at all *quadrate*, or tally with the Rights of Conſanguinity, or with a true *political Juſtice*.

It may be urged to the Diſadvantage of this *Diſpenſation*, that the very Suppoſition, that Inheritances are, always, acquired by honourable Meaſures, and by ſuch Purſuits, as are ſubſervient to the public Happineſs, or Convenience, is abſolutely falſe in Fact; — for if we credit the Report of Experience, the very Reverſe is ſometimes the Truth of the Caſe; yet even admitting the Facts, which have

have been offered in Defence of this *Syſtem* to be true; certainly, it can never authorize ſuch a Violation of the Rights of Conſanguinity, as will follow upon prefering the remote *Agnati* to the neareſt *Cognati*, and *K.* to *P.*

And, if it is agreed upon as a fundamental Maxim, both by the *Civilians* and *common Lawyers*, (and thus much is agreed on both Sides) that the Rights of Conſanguinity ſhould be preſerved *inviolably*, and that theſe Rights intirely, ariſe from, and depend upon the Nearneſs of the Degree, and the Worthineſs of Blood; in Purſuance of this Maxim, it will be difficult to ſolve, why the Father, who is but one Degree from the Purchaſor, (and his Father too) ſhould be poſtponed, and the Uncle, who is three Degrees from him ſhould be prefer'd; or why *K.* tho' remoter by one Degree, ſhould be prefer'd to *P.* in the Succeſſion to the Inheritance of the Purchaſor, as the Relation both of *K.* and *P.* to the Purchaſor is, only, *per matricem*; the former being of Kin to the

Pur-

Purchaſor's *Father*, and the other to the *Purchaſor* by their *reſpective* Mothers. And as *K.* is ſaid to take Place before *L.* and *L.* before *M. ratione proximitatis*; it may be alleged, that the Reaſon given from the Nature of the *Old feudal Tenures*, why *K.* takes Place before *P.* ought not to carry the leaſt Weight with it at this Time of Day (28); and as for the other Reaſon, *viz.* that more of the Purchaſor's Male Anceſtors have been deſcended from, and born of the Femes in higher Claſſes, than the lower Claſſes in *a-b*; if this Argument muſt be allowed to have any Force at all, it proves too much,

(28) If any purchaſed *feodum Novum, ut feodum Antiquum*, and died without leaving a Son, or a Daughter, Brother or Siſter, or any deſcended from them; the Inheritance went firſt to the *Agnati*, becauſe the lineal Male Anceſtors of the *Agnati* had been ancient Tenants of the Manor; for where it is given, *ut feodum Antiquum*, it muſt be preſumed to be meant, as if it had been an ancient *Feud* of that Manor; and therefore it went to the *Agnati ad infinitum*, before it would go to any of the Female Blood, or *Cognati*; but if the *Agnati* failed; it went to the Female Blood, or *Cognati* of the Father, *viz.* to *K.* for the Lords were preſumed rather to reſpect the Female Blood of their former Tenants, than the Blood of the Mother, who was newly introduced into the Family of their *Feudatory*, becauſe the Feud was given, as an ancient one, and by Conſequence, the Blood of the precedent Tenant was prefer'd to any other, *&c. &c. Plow.* 444 to 449. *Co. Lit.* 12.

and

and will conclude (if it concludes any Thing) for the higheſt Claſs in the third Column, being prefer'd to the reſt of the aſcending Claſſes in it.

It may be alleged, that this is abſolutely *unphiloſophical*, and not at all conſiſtent with a geometrical Way *of reaſoning*, becauſe, in Regard to its being impoſſible by the Law of Nature to have more, than one Mother, and as by the Law of God and of the *Church*, every Perſon muſt have two Grandmothers; the Mother, conſequently, furniſhes out a double Portion of Conſanguinity to what the Grandmother does, and the Grandmother proportionably more Conſanguinity, than the Great Grandmother.

And in the ſame Proportion, as the Great Grandchild's great Grandſon is removed from the *Central* Claſs, and in Proportion to the Decreaſe and Diminution of Conſanguinity, which is occaſioned thereby *between thoſe Claſſes*; ſo the Relation

of *O.* to the central Claſs has declined, and is impaired in the ſame Degree.

As all Perſons, unleſs where there are Intermarriages among the *Conſanguinei* of the ſame Family, are, ordinarily, deſcended from 32 *Tritavi* and 32 *Tritaviae* (29); the Relation of Blood being thus *diluted* among ſuch a Number of Great Grandparents - Great Grandparents, certainly, *P.* which contains the *firſt Collaterals* of the Mother (whoſe Relation to the Purchaſor is *total* and intire) ſhould be prefer'd in the Succeſſion, not only to *O.* but to all the intermediate Claſſes in the third Column; the Inference being obvious and inevitable, that the neareſt Claſſes in *a-c* ſhould be preferr'd to the more remote.

It may be further alleged againſt the Syſtem, which obtains, that ſince the pre-

(29) See the Caſe of *William Fairfield*, *Co. Litt. fo.* 12. *b.*

ceding

ceding Demonſtrations it is, *geometrically*, certain, that *P.* of the Purchaſor is nearer to him, than *O.* by ſo much, as the Mother of the Purchaſor is nearer to him, than any Great Grandparent's Great Grandmother, or *Tritavia.*

It would be foreign to our Purpoſe to take Notice, on this Occaſion, of Intermarriages, which, ſometimes, happen in the ſame Family; becauſe the Perſon, who claims as Heir, muſt make Claim, either from his Father, or Mother, and cannot claim from both by compounding two *Totals* of *Conſanguinity.* I would offer this *Dilemma* to the Conſideration of the Curious, if it ſhould be inſiſted, that the Child is *eſſentially* produced from the Blood and *Stamina* of the Father only, and that the ſeveral Femes only ſupply the *Foetus* with a *Nidus*, or *Cubile*, or Nurſery, in which to reſt and nouriſh their delicate and tender Bodies, whilſt the *Foetus* remain in *Embryo*, and in a State of *Parturition*; if this ſhould happen to be the Caſe, then, undoubtedly,

P. ought to be prefer'd to all the Claſſes above it in that Column; becauſe then it will follow, that none of the Femes contribute to the Conſanguinity of the Child, and the *German* Siſter of *P.* produced the Purchaſor, *et angebatur et periclitabatur in gravi puerperio* on that Account; and that therefore, *P.* ought to be prefer'd.

But let us ſuppoſe, (30) according to the *reverend* Canon of Scripture, that we know not, *how the Bones grow in the Womb of her, that is with Child* — and, conſequently, (for any Thing, we know to the contrary) both Parents may equally contribute to this moſt *ſtupendous* and *myſterious* Effect, the Power of procreating a *ſimilar Self*, and of producing a *Being* endow'd with the ſame *mechanical* Powers and rational Faculties, as they themſelves are; and as in this State of Uncertainty, it ſeems to be the moſt *juſt* and natural Calculation to aſcribe the Obligation, the

(30) *Eccleſ.* xi. *v.* 5.

Child has of being produced equally to both Parents, *et ſic ſtare debet, donec probabitur in contrarium.* There have been, indeed, ſome late *hypotheſes* ſet on Foot to render it probable, that the Rudiments of the Child are intirely formed from the Female (31); but be this as it will; upon any Alternative propoſed, or contained in the Argument of this *Dilemma*, *P.* will have a moſt undoubted Right to be prefer'd to the higher Claſſes in the third Column.

It may further be alleged to the Diſadvantage of this *Syſtem*, that if the Maxim, (32) *In jure non remota cauſa, ſed proxima ſpectatur*, was, always, to govern, the nearer aſcending Claſs in the third Column ſhould be prefer'd to the remoter aſcending Claſſes in the firſt Column; and that conſequently, if the plain and obvious Reaſon of Things was to be prefer'd to the Vanity and *Oſtentation* of

(31) See *Harvey, Malpighi, de Graaf, &c.* on this Subject; but principally a Book in *4to.* publiſhed by *Valiſnieri* at *Venice*, 1721.

(32) *Bacon*'s Elements, *pa.* 1.

Heralds,

Heralds, and to *Maxims* of *Chivalry*; the Inheritance ſhould rather go to *P.* than either to *E.* or to *K. viz.* to the neareſt aſcending Claſs in the third Column, before it ſhould go either to the remoter aſcending Claſſes in the firſt, or third Columns; *P.* being, only, at the Diſtance of three Degrees from the Purchaſor, whereas *E.* and *K.* are at the Diſtance of four Degrees.

It may be alleged, that the *Roman Grandeur*, and its *Populous* and widely extended Territories ſubmitted to be governed by the Equity of this Deciſion, (33) *ſublatâ differentiâ agnationis et cognationis*; and that for the ſame Reaſon, the Inheritance ſhould go to the Father, who is but one Degree from the Purchaſor, before it ſhould go to *C.* who is three Degrees from the Purchaſor.

I ſhall, only, obſerve further, that if the lineal Anceſtor was made inheritable; the *Semigerman* Brothers and Siſters,

(33) *Nov. Conſtit.* 118. *Tit.* 1. *cap.* 2*d.* 3*d.* and 4*th.* *Inſt.* *l.* 3. *Tit.* 2*d* and 3*d.*

viz. *D.* and *Q.* would then become, immediately, inheritable; for *D.* or *Q.* of the Purchaſor, would then inherit, *quaſi alter Idem* to their Father, or Mother, where their Father or Mother would have been Heir, had they ſurvived.

Where *John Kirby*, for Inſtance, purchaſes and dies; *A.* and *B.* being extinct at his Death; the Inheritance would go to his Father; and conſequently, where the Father is dead, to *D.* in Virtue of the ſecond Rule.

Although the Maxim, that *Nemo eſt haeres viventis*, is true and well grounded; yet where the Perſon becomes Heir by ſurviving the Perſon laſt ſeized; but dies before Entry; I do not ſee, why the Right of ſucceeding to the Inheritance ſhould not be, individually, the ſame among the *Collateral Anceſtors* of ſuch Heir, tho' ſuch Heir was never actually ſeiſed, as where an actual Entry had been made by the Heir. See *Keilway* 110, and *Co. Litt. fo.* 11. *b.* and *Sect.* 8. *fo.* 14. *b.* and the Reaſons for

for making the Act of the fourth of the late Queen, *Cap.* 16. § 9. for taking away Attornments.

FROM what has been offered to the Conſideration of the Reader, I think, I may be allowed to infer, that he is now convinced, that there are ſome Contrarieties and *Incompatibilities* to be found in the *Syſtem*, which now obtains; but the great Difficulty will be, how to rectify them, and how to furniſh out a juſt and judicious *Alternative* to ſucceed in Lieu of ſuch Parts of this *Syſtem*, as have been objected to.

To perform this well, is a very arduous Undertaking; —— *hic labor, hoc opus eſt.* Indeed, it is what the Abilities of the Author are far from promiſing; and, in my Opinion, there is no ſuch Thing, as marſhalling this Sort of Learning into a due and orderly *Relation* and *Subordination* of Parts; ſo as to conſtitute a *conſiſtent Whole*, or *uniform Body* of *Science* without introducing ſuch Innovations, as would be by no Means *proper*, or *practicable* in this

Kingdom; but however, perhaps the Doctrine might notwithſtanding (conſiſtently enough with a due Regard to the Circumſtances of Time and Place) be brought to a nearer Approach to the *Syſtematical Method*; and ſo as to have a truer *Coincidence* with the Rights and Degrees of Conſanguinity by only expunging the *third Rule*, and by ſettling ſuch a *Succedaneum*, whereby the lineal Anceſtors ſhould be inheritable, and the aſcending Claſſes of the third Column ſhould be prefer'd to ſuch aſcending Claſſes of the firſt Column, as are in a remoter Degree of Conſanguinity in their Succeſſion to the Inheritance, in ſuch Manner, as not to interfere with the other Parts of the *Syſtem*.

For Inſtance, where *A.* is extinct at the Death of the Purchaſor; the Inheritance ſhould go to *B.* in the Manner, it now does; for tho' the Father is but one Degree from the Purchaſor; and *B.* is at the Diſtance of two Degrees from the Purchaſor; yet, in Regard to the Probability of the

the Father's having Children by another Marriage, and of his being under the Influence of a *beloved Conſort*, or other Motives, to divert the Courſe of the Inheritance by giving it to ſuch Children in Prejudice to the Purchaſor's German Brothers and Siſters; and in Regard to this further Circumſtance, that if the Inheritance devolved upon the Father, in Preference to *B.* of Purchaſor, where there were none but Females in *B.* in the ordinary Courſe of Law, it would go from the Father to a Male in *D.* of Purchaſor, before it would go to the Females in *B.* I think, the *Syſtem*, in this Reſpect, need not be altered; but if both *A.* and *B.* are extinct; then it ſhould go to the Father of the Purchaſor, and where the Father is dead, to his Deſcendents by another Marriage, purſuant to the firſt and ſecond Rules; and where the Father is *Extinct* at the Death of the Purchaſor, it ſhould go to the Mother; and where the Mother is dead; it ſhould go to ſuch Deſcendents from her, as are *uterine* to the Purchaſor, *viz.* to *Q.* but where the Mo-

ther is likewiſe extinct at the Death of the Purchaſor; it ſhould go to *C.* of the Purchaſor, and where *C.* is extinct at the Death of the Purchaſor; the Inheritance ſhould go to *P.* and the Inheritance ſhould be, always, tranſmitted to the aſcending Claſſes of the firſt and third Columns in ſuch Manner, that the *Agnati* ſhould always exclude the *Cognati in pari gradu*; but then the *Cognati in propiori gradu* ſhould eternally exclude the *Agnati in remotiori*; and the deſcendents from any *lineal Anceſtor* by a different Marriage ſhould always take the Inheritance in Preference to the aſcending Claſſes, which are parallel to ſuch lineal Anceſtor in the firſt, and third Columns. I am ſenſible, that this Regulation falls ſhort of being truly Syſtematical, in Regard to its prefering *B.* to the Father and Mother of the Purchaſor, and in prefering the Father to the Mother, and in prefering the *Agnati* to the *Cognati in pari gradu*; for to furniſh out a true *Syſtem*; the new Conſtitutions of *Juſtinian*, with Relation to this Subject, ſhould take Place in almoſt every Article; but

as

as his Conſtitutions would, in all likelihood, not be received here; the Plan propoſed does the greateſt Juſtice to the ſeveral Degrees of Conſanguinity, which is poſſible to be done conſiſtently with the other Parts of the *Syſtem*, which may all of them ſubſiſt, although the Alterations, which are offered, ſhould take Place; but if theſe Innovations ſhould be deemed *impolitic*, or *improper*; yet the prefering (34) *P.* to *K.* contrary to the Deciſion in *Plowden*, can be attended with no Manner of Inconvenience; but this muſt be ſubmitted (as it is with all due Deference and Reſpect) to the Judgment of the *Public*.

I HAVE now gone through this Affair with as much Brevity, as I thought was conſiſtent with a due Perſpicuity; and I ſhall think myſelf happy, if this *ſhort Eſſay* is interpreted, as the *Reſult* of a ſerious Deſire to ſerve my fellow Citizens by drawing their Attention upon this Point; and if at the ſame Time, the

(34) See the Reaſons for it in the preceeding Pages.

Plan

Plan of this Diſcourſe ſhall be thought to be governed with that Propriety of Proceeding and Addreſs in all Reſpects; as not, in the leaſt, to have interfered with the Duty, I owe the *Profeſſion.*

——*Coenae Fercula noſtrae*
Vellem convivis, *& placuiſſe* cocis.

THE SUPPLEMENT.

THE firſt Section of this *Supplement* contains the *Introduction* to it.

II. Explains the *Kalendar* in a *Summary* way.

III. What are *Aſcending* and what *Deſcending* Claſſes, and the Uſe of the *Figures* in the Kalendar.

IV. Where to place the *Perſon propoſed*, and the Uſe of the *Capital* Letters in the Kalendar.

V. How the *Aſterisks* ſhew the *Degrees* of *Conſanguinity*.

VI. *How* the *Figures* in the *firſt* and *third* Columns ſhew the *Degrees* of *Uncles* and *Aunts*, and *how* the *Figures* in the ſecond Column ſhew the *parental* and *filial* Relation.

VII. How to extend the Kalendar *indefinitely*, and *where* and in *what Manner* the *third* Column inherits.

VIII. *Who* are deſcended from the *Higheſt Claſs* in the ſecond Column.

IX. *Where* to find the *Brothers* and *Siſters* of the *Male* and *Female Anceſtors*, who are contained in the aſcending Claſſes of the ſecond Column.

X. *Baron* and *Feme* inſerted *only* in the aſcending Claſſes of the ſecond Column, and *why*.

XI. Who are Lineal and who Collateral Relatives.

XII. The *firſt Rule* ſhews, how the *Males* and *Females* inherit, and the *Order* of the *Lineal Succeſſion*, *&c.*

XIII. The *ſecond Rule*, how the Children of every deceaſed Perſon, who might have been Heir, inherit.

XIV. The *third Rule*, *where* the lineal Anceſtors and *Semigerman* Relatives *do not* (and *where they may*) inherit.

o o o. A Digreſſion.

XV. What amounts to an *Entry*, or *Actual Seizin*.

XVI. The *fourth Rule* ſhews, that every Perſon, who inherits, muſt be of the whole Blood, *viz.* a *German* Relative to the Perſon *laſt* ſeized, and how the Inheritance proceeds *thro' the Kalendar*.

XVII. Where the Claſſes of the third Column (and which of theſe Claſſes) are ſaid to inherit by *preferable* Worthineſs of Blood.

XVIII. The *fifth Rule* ſhews, who *take as Purchaſors*, and *who do not*, and why *ſome* do not.

XIX.

XIX. The *Law of Deſcents* taxed, as not making an *equitable* Proviſion in *ſome* Inſtances.

XX. A *Remark* in relation to this *Supplement*.

XXI. The Concluſion ſhews the probable Reaſons, why *K.* and the Claſſes above *K.* in the third Column are prefered to *P. &c.*

I HAVE thought proper to review the foregoing Diſcourſe, and to exhibit to the Reader of *this Supplement* a *ſhort Extract*, or *ſummary Recapitulation* of the *principal* Rules and Matters, which are contained in it. I have been induced to do *this*, in regard to an Objection, which ſome have made, to the Characters *a-a*, *a-b*, *a-c*, which I had introduced into the foregoing Treatiſe.

THESE double Characters (ſay the Perſons, who offer the Objection) cannot be ſo commodiouſly pronounced in *any Addreſs*, which is *orally* delivered, as the *ſingle* Letters, or alphabetical Characters, which are inſerted in the Kalendar, may be.

THE

THE double Characters (ſay they) may, indeed, be *reported* to the Eye of a Reader; but cannot be reported, conveniently, to the Ear of an Audience; whereas (ſay they) the Kalendar may be uſefully refered to, as well as Geographical Maps, or Arithmetical Tables, in any Diſcourſe, or Argument, which is held upon the Subjects, to which they, reſpectively, relate; and the Kalendar will as effectually contribute to the *Perſpicuity* of the *Argument*, to leſſen *Circuity* of Speech, and to obviate many *laborious* and *puzzling Reſearches*, (which would be, otherwiſe, unavoidable) as either *Tables* in Geography, or in Arithmetick, can do.——And, *perhaps*, the Generality of Readers will think, the Way of treating this Subject in the *Supplement* is more familiar, and being leſs *abſtracted*, will be, therefore, leſs difficult to be underſtood, than where I uſe the *double* Characters, *viz.* *a-a*, *a-b*, or *a-c*.

I have a further *Motive* for making this Abridgment.—The Facts, which are contained in the preceding Diſcourſe, are delivered

livered in a Style, which is *ſomewhat* copious and diffuſive, and, *indeed*, the *Reaſonings*, and the *Deductions*, I have drawn from theſe Reaſonings, are intended to be laid down in a philoſophical Latitude, as I held ſuch a Procedure to be the beſt Method of *planting* any Science, (or Branch of Science) to the End, it may increaſe in *Uſefulneſs*, and, *conſequently*, in *Reputation*, and, *conſequently*, in Duration; but then I conſidered, that Perſons, who have already a *diſtinct* and *comprehenſive* Knowledge of the Subject, or who are in the Hurry of Buſineſs, *many times*, have neither *Patience*, nor *Leiſure* to attend to a Diſcourſe *thus* largely and *circumſtantially* delivered; but are under a Neceſſity, in ſome meaſure, to renew and *redintegrate* the Memory of *thoſe* things, they have once conſidered with a due Application of Mind, and in their full Extent, from ſhort *Notes* and *Abſtracts*, which, either, they themſelves have made, or which have the *Reputation* of being made with *Judgment* and *Accuracy* by others. — To ſome Perſons it is ſufficient, only, to *glance* at things; the

the *Felicity* of their *Genius*, or the *Greatneſs* of their *Experience*, intirely, *ſuperſeding* the *Uſe* of a *more explicit* and *leſs involved* Way of proceeding; and altho' every Reader is not to be ſuppoſed to enjoy this happy *Prerogative* of *Nature*, or to have his Notions ſo well ſettled by *Practice*, or *Experience*; yet to ſuch, as have either the *one*, or the *other* of *theſe* Advantages; *Epitomes* may be of uſe; and, even, to thoſe, who are deſtitute of *both theſe Advantages*; *Epitomes*, ſufficiently, diſcover the *eaſieſt and moſt obvious* Parts of Learning; (*and as it is cuſtomary with Men to praiſe the Matter, they have in hand*) a good Abridgment may, *perhaps*, ſometimes facilitate the *Entrance into* (and *underſtanding* of) the *Work at large*, and may be ſo diſpoſed and methodized, as to ſupply the *Office* of the *beſt Sort* of *Tables to the whole*.

I may add further in Defence of this Supplement, that in difficult Subjects there is nothing more uſual, than for the *greateſt Orators*,—for Perſons of the *moſt diſtinguiſhed*

guiſhed Merit, and of the *very firſt form of Sufficiency* in ſupporting a *publick Narrative* of *Facts* under every *regular* and *requiſite* Advantage;—I ſay, that there is nothing more frequent, than for Perſons of this high and elevated Character to offer the ſame thing in *various* Lights; as the ſame *uniform* and *individual* Truth, ſometimes, finds *Acceſs* to the Minds of different Men by being placed in different Views, and by being *inveſted* (at leaſt, in reference to the Method of treating it) with *different* Circumſtances; the Mind of one Man being more, eaſily, *acceſſible* one way, and the Mind of another Man being more *acceſſible*, and more capable of being inlightened by another way of Intimation.—But to anſwer the Purpoſe, I had in *reviewing* the *preceding Diſcourſe*; I proceed to *open* the Contents of it, *&c.*

THE preceding Treatiſe begins with the *Explication* of the *Kalendar* to this Effect,

II. The Cells, or Domicils, which are placed in the *reſpective* Columns of the Kalendar, contain either the *Perſon propoſed*, or the *Relatives* of *ſuch Perſon*.—The Cell, or *Domicil*, which contains the the *Perſon propoſed*, and the * *German* Brothers and Siſters of ſuch Perſon, is denominated by the Name of the *Central* Claſs; not, only, becauſe it is placed, exactly, in the Centre of the Kalendar; but becauſe it is the true Centre, or Terminus, from whence the Perſons, who are contained in the other *Cells*, or Claſſes of the Kalendar, are called, either, *Father or Mother*, *Grandfather or Grandmother*, *Brothers or Siſters*, *Sons or Daughters*, *Uncles or Aunts*, &c. *See* page 1, 2, 3, 4.

III. All the Cells, which are placed above the *Central Claſs*, in any of the three Columns, are called *Aſcending Claſſes*, or the *Aſcending Scale* of the ſeveral Columns, to which they belong; and the *Cells* below the *Central* Claſs in the *ſecond Column* are called *Deſcending Claſſes*,

* *Viz.* The Brothers and Siſters of the whole Blood.

or

or the *Deſcending Scale* of the *ſecond* Column. And note, the *numerical* Figures, which are inſerted in the *Aſcending* Claſſes of each Column increaſe *in Quantity*, in Proportion as the Claſſes *aſcend*. Whereas the *numerical* Figures, which are inſerted in the *deſcending* Claſſes of the *ſecond* Column increaſe in Quantity in Proportion as the Claſſes *deſcend*. Page 4, 5.

IV. Every *Perſon propoſed* is placed in the *Central* Claſs, and where it is ſaid, the Inheritance goes to *A.* of *ſuch Perſon*; it muſt be underſtood to go to the *Sons* and *Daughters* of *ſuch Perſon* in purſuance of the *firſt* Rule, which ſee hereafter.—If it is ſaid, the Inheritance goes to *B.* it muſt be underſtood to go to the *Brothers* and *Siſters* of the *Perſon propoſed*, purſuant to the *ſame* Rule. And where it is ſaid to go to any other *Capital* Letter in the Kalendar; the Inheritance goes to the Perſons, who are contained in the Claſs refered to by ſuch alphabetical Letter *in the ſame Manner*. *See* page 2, 3, 6, 7, 8, 9.

V. The Aſterisks, which are placed in the ſeveral Claſſes of the Kalendar, ſhew the Diſtance of the Degrees of Conſanguinity *from the Perſon propoſed*; *every Aſterisk* repreſenting a *Degree*. See page 10, 11, 12, 13.

VI. The *numerical* Figures, which are placed in the aſcending Claſſes of the *firſt* and *third* Columns, ſhew in what Degree, the Perſons, reſpectively, contained in thoſe Claſſes, are Uncles, or Aunts *to the Perſon propoſed*, *viz.* whether they are Uncles, or Aunts in the firſt, ſecond, or third Degree, *&c.* according to what the Figure imports. The *numerical* Figures, which are placed in the *Aſcending* Claſſes of the ſecond Column, ſhew the ſeveral Degrees of Parentage, *viz.* Parents in the firſt, ſecond Degree, *&c.* according to the Import of ſuch Figures, as the numerical Figures, which are placed in the Deſcending Claſſes of the ſecond Column, ſhew the ſeveral Degrees of filial Relation; and it is worthy of Notice, that the *Figures*, which are placed in the *Aſcending*

and

and *Deſcending* Claſſes of the ſecond Column, anſwer *equally* with the *Aſterisks*, in pointing out the Degrees of Conſanguinity; but it is not ſo with reſpect to the *Aſcending* Claſſes of the two other Columns. The Calculation of *the Degrees of Conſanguinity* (which Degrees are denoted by *Aſterisks*) being purſuant to the Civil Law; and the Calculation of the ſeveral *Degrees of Uncles and Aunts* in the *firſt* and *third* Columns (which are repreſented by the *Figures*) being purſuant to the Canon Law. See page 9, 10.

VII. THIS Kalendar may be *indefinitely* extended by the Addition of Aſcending and Deſcending Claſſes. And note, as long as there is any Perſon in the *Aſcending* Claſſes of the firſt Column, who is *of the Blood* of the Purchaſor, or *Deſcendents from* any of theſe Claſſes; no *Aſcending* Claſs in the third Column can inherit; neither can the loweſt *Aſcending* Claſs in the third Column, *viz.* P. *of the Purchaſor* inherit, as long as any Claſs above it in that Column, or the *Collateral Anceſtors* * of

* *Quære.*

ſuch

ſuch Claſſes, or *Deſcendents from any of them*, are ſubſiſting. Page 15.

VIII. The higheſt Male Anceſtor in the ſecond Column is the lineal Anceſtor of all the *Males*, who are contained in the *ſubordinate Aſcending* Claſſes of that Column, and of both Males and Females, who are comprized in *every ſubordinate Claſs* of the firſt Column, and in the *Central* and *Deſcending* Claſſes of the ſecond Column. Page 16.

IX. The Aſcending Claſſes of the firſt Column contain all the *German* Brothers and Siſters of the *Males*, who are comprized in the reſpective *Parallel* Claſſes of the ſecond Column, and the *Aſcending* Claſſes of the third Column contain all the *German* Brothers and Siſters of the *Femes*, who are, reſpectively, comprized in the *parallel* Claſſes of the ſecond Column. Page 16.

X. The *Wives* of the ſeveral *Males* and the *Husbands* of the ſeveral *Females* in

in the *firſt* and *third* Columns, and in the *Central* and *Deſcending* Claſſes of the *ſecond* Column, are not comprehended within the Kalendar; becauſe they have *no Conſanguinity* to the *Central* Claſs; neither can they, by any Poſſibility, inherit. Page 16.

XI. EVERY Perſon, who is deſcended from the *ſame Stem*, from whence any Perſon propoſed is deſcended, and who is neither the *immediate* Parent, nor the *Progenitor*, nor the *Progeny* of the *Perſon propoſed*, is denominated a *Collateral Relative*; and note, that all others *thus* deſcended are either *Lineal* Anceſtors, or Deſcendents. Page 16, 17, 18.

XII. FIRST Rule, —— To whatſoever Claſs of the Kalendar the Inheritance goes; it goes to the *eldeſt Male* of ſuch Claſs, excluſively of all the Males and Females contained in it; but where there is no *Male*; then it goes to all the *Females* who are contained in the Claſs, which inherits. Note, the Inheritance will always

ways go to the Deſcendents of any Perſon, who becomes ſeized of it (in the ordinary Courſe of Succeſſion) upon the Death of *the Perſon ſeized*, in Preference to any other, *viz.* to the eldeſt Son of any Perſon, who was *laſt ſeized*; and upon the Death of ſuch eldeſt Son, it will go to the *eldeſt Son of ſuch eldeſt Son*; and upon the Death of *ſuch eldeſt Grandſon*; it will go to the *eldeſt Son* of *ſuch eldeſt Grandſon*, and ſo on *ad infinitum*; but where there is a Failure of *Iſſue Male* to any of theſe Perſons; it will go to all the Daughters of ſuch Perſon, where ſuch Failure firſt happens, *viz.* where the Perſon laſt ſeized leaves no Son, *nor Deſcendents from any Son*; it will go to all the Daughters of the Perſon laſt ſeized; or where the eldeſt Son of any Perſon laſt ſeized leaves no Son; it will go to all the Daughters of ſuch Son, *&c.* And in Default of Deſcendents from any Perſon, who either dies actually ſeized of the Inheritance, or who would have inherited; if ſuch Perſon had ſurvived the Perſon laſt ſeized; it will go to the *Brothers and*

Siſters of ſuch Perſon, &c. *purſuant to the ſame Rule*. Page 21, 22, 23.

XIII. SECOND Rule.—The Children, or Deſcendents of any deceaſed Perſon, who would have inherited, if ſuch deceaſed Perſon had ſurvived the Perſon laſt ſeiſed of the Inheritance, (how diſtant ſoever ſuch Deſcendents may be from ſuch deceaſed *lineal* Anceſtor) ſhall take the Inheritance (according to the *Worthineſs of their Blood*, and to the Proximity of their Degrees of Conſanguinity in each Deſcending Claſs to *their lineal* Anceſtor, who would have inherited, had ſuch Anceſtor ſurvived, *viz.* purſuant to the *firſt* Rule) in the ſame Manner, as ſuch Lineal Anceſtor would have done, if ſuch Anceſtor had ſurvived the Perſon, who was laſt ſeized of the Inheritance. See Page 23, 24, 25, 26, 27.

XIV. THIRD Rule.—No lineal Anceſtor of the Purchaſor, or of any Perſon laſt ſeized, can immediately inherit; and *conſequently neither of the Claſſes*, which are

parallel to the *Central* Claſs in the *firſt* and *third* Columns (*viz.* neither *D.* nor *Q.* of the Purchaſor, or of any Perſon laſt ſeized) can *immediately* inherit; but *where* the Inheritance once *veſts* in any *Aſcending* Claſs of the firſt Column; the *lineal Male* Anceſtor of the *Purchaſor*, who is contained in the *parallel* Claſs of the *ſecond* Column, *after the actual* Entry* of any Perſon, who is contained in ſuch aſcending Claſs of the firſt Column, becomes inheritable according to *the Order and Priority* of his Birth, and *conſequently*, then, the Children of ſuch lineal Anceſtor by a different Marriage, though *only half Blood* to the Purchaſor, may inherit, *purſuant to the ſecond Rule*; and in like manner where any Perſon, who is comprized in *any Aſcending* Claſs of the *third* Co-

* XV. See *Litt.* Sect. 8. and *Co. Litt.* fo. 15. *b.* for what amounts to an actual Entry, or Seiſin.—Note, where the Poſſeſſion is in no Man; but the *Freehold* in Law is in the Heir that entreth; there the general Entry into Part of the Inheritance reduceth the whole (though the Lands lay in different Counties) into the actual Poſſeſſion of ſuch Heir; and I conceive, if the Heir exerciſe any *Act of Dominion* over the Inheritance; ſuch as repairing of Fences, Houſes, Ditches, *&c.* or receiving Rents, *&c.* That any ſingle Act of this Kind will amount to an Entry.

lumn,

lumn, ſucceeds to the Inheritance; after the *Entry and actual Seiſin* of *ſuch* Perſon (and not before) the *lineal Female* Anceſtor in the *parallel* Claſs of the *ſecond* Column, and *her Deſcendents by a different Marriage* become inheritable. Page 27, 28, 29, 41, 42, 43, 44.

000. The Author, in the foregoing Treatiſe, has only laid down *the three foregoing Rules* under the *ſolemn Deſignation* of being *Rules*; though the whole Book (bating what relates to the *Explication* of the *Kalendar*, and what contains the *Animadverſions* of the *Author* towards the Concluſion,) is indeed little more than a *Syſtem* of *Rules* and *Maxims* (accompanied with the *Caſes*, which *exemplify* and *illuſtrate* them) and the *Rules*, which follow, are *equally fundamental* with *thoſe three*, which *precede*, and are as well proved in ſuch Parts of the *preceding Diſcourſe*, wherein they are, *reſpectively*, laid down and propounded; but as the Author had no occaſion to refer to the following Rules at all; and as it became

neceſſary, on the other hand, that the Reader ſhould carry the *three* foregoing Rules, conſtantly, in *his Memory and Attention* through the whole Treatiſe; the Author thought it no very important Omiſſion, if the following Rules remained *indiſcriminated* from ſuch Parts of the Book, which is *unreduced* into Rules; but as the *Rules*, of themſelves, (without directing the Application of them) will afford *ſufficient Light to Men of Knowledge* to aſſiſt their *Recollection* withal;— the Author has reduced all the neceſſary Points of Doctrine, which is contained in the foregoing Treatiſe, into *five* Rules; the Subſtance of *three* of them have been already ſummed up in this Supplement, and the other two are as follow.

XVI. Fourth Rule.— Every Perſon, who inherits, muſt be of the whole Blood to the Perſon, from whom ſuch Perſon *immediately* inherits, whether ſuch Perſon inherits *immediately* from the *Purchaſor*, or *from any Perſon laſt ſeized*; but where ſuch Perſon inherits in Virtue of *intermediate*

diate Deſcents from the Purchaſor; it will ſuffice to be of the Half Blood to the Purchaſor: Provided, ſuch Perſon is of the whole Blood to the Perſon laſt ſeized: but, however, it is, indiſpenſibly, neceſſary, that the Perſon inheriting ſhould be of the Blood of the Purchaſor: In purſuance of theſe Rules; the Inheritance proceeds from the Purchaſor according to the *Order* and Series of the *Capital* Letters, which are inſerted in the *Kalendar* *, *as far as* the third Aſcending Claſs of the third Column, (*viz.* as far as to *L.*) *incluſive*, (*D.* of the Purchaſor excepted, who can only take in the manner, which is ſet forth in the third Rule,) and *where* the Perſons contained in *L.* are dead without leaving Deſcendents; the Inheritance will go to the Brothers and Siſters of the Father of the Perſons, who are contained in the *ſecond Aſcending Claſs* of the *third* Column, *viz. to C. of K.* and to their Deſcendents, purſuant to the firſt Rule; before it will go either to the fourth Aſcending Claſs of the third Co-

* See the ſeventh Section of this Appendix.

lumn,

lumn, *viz.* to *M.* or to the Brothers and Siſters of the Father of the Perſons, who are contained in *L. viz.* before it will go to *C.* of *L.* becauſe the Brothers and Siſters of the Father of *K.* are only at the Diſtance of *five* Degrees *; whereas both *M.* and *C.* of *L.* are at the Diſtance of ſix Degrees from the Purchaſor; but as often as it happens, that the Collateral Ance-

* To know, how far *C.* of *K.* (or *C.* of the *Grandmother* in the *ſecond* Column) is diſtant from any Perſon propoſed; it will be proper to be conſidered, that every Perſon, who is capable of inheriting, by the *Laws* of *England*, muſt, *neceſſarily*, have *two* Grandfathers and *two* Grandmothers, as has been, already, obſerved in the Book at large; and, every Perſon, *ordinarily*, has *four* Great Grandfathers and *four* Great Grandmothers, *&c.* and that *every* Grandfather and Grandmother are at *equal* Diſtance from *all* their Grandchildren in point of the Degrees of Conſanguinity; and every Great Grandfather and every Great Grandmother are at the ſame point of Diſtance (with one another) from all their Great Grandchildren in the *Relation* of *Conſanguinity*, and, *conſequently*, the *Brothers* and *Siſters* of *every Great Grandparent* (whether ſuch Great Grandparent be *Male*, or *Female*, &c.) are at equal Diſtance, in regard to the Degrees of Conſanguinity, with *F.* or the third Aſcending Claſs of the firſt Column of the *Kalendar*; ſo that the paternal Uncles and Aunts (*viz. C.*) of the *Mother* of the *Father* of any *Perſon propoſed* (that is to ſay, the *Brothers* and *Siſters* of the Father of the Grandmother in the ſecond Column of the Kalendar) are at equal Diſtance, in the Relation of Conſanguinity to any Perſon propoſed, with *F.* or the third Aſcending Claſs of the firſt Column; which laſt mentioned Claſs contains the *Brothers* and *Siſters* of the Great Grandfather in the ſecond Column, *viz.* the *Brothers* and *Siſters* of the *Father* of the *Father* of the Father of any Perſon propoſed.

ſtors

ſtors of any Aſcending Claſs of the third Column, which is extinct, are at equal Diſtance in point of the Degrees of Conſanguinity with the next *ſubſiſting Claſs* in the third Column, which is above the Aſcending Claſs, which is extinct in the third Column by the Failure of all the Perſons contained in it, and of their Deſcendents; then the Claſs in the third Column, which is next above the Aſcending Claſs, which is extinct in the third Column, or the Deſcendents of ſuch *ſuperior* Claſs, are always prefered to the *Collateral Anceſtors* of ſuch extinct Claſs, and to the Deſcendents of ſuch collateral Anceſtors, by reaſon of Worthineſs of Blood:

XVII. THIS preferable Worthineſs of Blood is ſaid *to conſiſt in this; that* a *Siſter* of every *Aſcending* Claſs in the third Column either *mediately* or *immediately* produced the Purchaſor, or *one* or *more* of the *Purchaſor's Male Anceſtors.* See Page 32, 61.

XVIII.

XVIII. Fifth Rule.—The Inheritance always deſcends from the *German* Brothers and Siſters of the Purchaſor, and from all the lineal and collateral Anceſtors of the Purchaſor *after the Entry of any of them*; as if ſuch *German* Brothers and Siſters, or lineal and collateral Anceſtors had purchaſed the Inheritance; it likewiſe deſcends in the ſame manner from the *immediate* Deſcendents of any of theſe Perſons, after the actual Entry of ſuch Deſcendents; only, it will never deſcend (where their Father is Purchaſor) to the *collateral Relatives* of the *Mother* of ſuch *immediate Deſcendents*; becauſe neither ſhe, nor they are of the Blood of the Purchaſor, *&c.* Note, what makes the Difference with relation to every other Claſs in the Kalendar, which is *inheritable*; but does not take, as Purchaſor; is becauſe the Inheritance will never deſcend (as has been before obſerved) to any of thoſe Perſons, nor to the collateral *Conſanguinei*, or *Relatives* of ſuch *Perſons*, whom the *Purchaſor*, or *Deſcendents* of any *Purchaſor* intermarry with; in all o-

ther Reſpects, every Perſon, upon whom the Inheritance devolves, takes as Purchaſor. See Page 35, 36, 37. — The Reader will find the five ſeveral Rules, which are here, only, briefly ſumm'd up, to be laid down in their full Latitude and Extent in the preceding Diſcourſe; and that they are therein, ſeverally, proved and exemplified by a very large *Induction* of particular Inſtances.

XIX. The Diſcourſe, at large, taxes this Branch of Learning, as not making a *Proviſion*, always, competent to the *clear* and *obvious* Merits of the Caſe. — The Author thinks it not to be an *over equitable Diſpenſation*, that the Brothers and Siſters of the *Paternal* Grandmother (*viz.* that the Brothers and Siſters of the *Mother* of the *Father*) of the Purchaſor ſhould be prefered, in the *Eye* of of the *Law*, to the Brothers and Siſters of the Mother of the Purchaſor, as every Purchaſor, by the Law of Nature, can have but *one* Mother; and as, by the Laws of God and the Church, every Purchaſor

muſt, *neceſſarily*, have *two* Grandmothers; and conſequently, there can be but half the Quantity of Conſanguinity, in the Brothers and Siſters of the *Grandmother*, to what there is in the Brothers and Siſters of the *Mother*; and as every Perſon has, *ordinarily*, *four Great Grandmothers*, there can but be *half* the Quantity of Conſanguinity in the Brothers and Siſters of ſuch Great Grandmothers, to what there is in the Brothers and Siſters of the *Grandmother*, *&c. &c.*—The Author obſerves, in the preceding Diſcourſe, that, according to the Law of Nature, (which ought never to be violated by any *Politic* Conſtitution) the Father, who is but at the Diſtance of *one* Degree from the Purchaſor, ſhould be prefered to the Brothers and Siſters of the Father (*viz.* to the *paternal* Uncles and Aunts) of the Purchaſor, who are at the Diſtance of *three* Degrees from the Purchaſor, and that the Brothers and Siſters of the *Mother* of the *Purchaſor*, who are but *three* Degrees from the Purchaſor, ſhould be prefered, for the ſame Reaſon, to the

Bro-

Brothers and Siſters of the PATERNAL Grandfather (*viz.* to the Brothers and Siſters of the *Father* of the *Father*) of the Purchaſor, who are at the Diſtance of four Degrees from the Purchaſor; and as the Purchaſor muſt have two Grandfathers, and can but have one Mother, there is but half the Quantity of Conſanguinity in *E.* to what there is in *P.*—The Author propoſes ſome Expedients for amending the Law, with relation to the Subject, he treats of, and for rendring it more conſiſtent with the *natural Rights* of Conſanguinity. See from page 59, *per totum.*

XX. THIS *Extract* has two Advantages attending it; it propoſes *enough* to a *wiſe* and *learned*, and (more, perhaps, than) *enough* to an *ignorant* and *ſuperficial* Reader; but, however, *peradventure*, it may not be amiſs to refer a *ſerious*, *diligent* and *attentive* Reader, who *wants* to know, how the *Law* of *England* ſtands, with regard to this Branch of Learning, to the Peruſal of the Treatiſe itſelf: And

If ſo; then, we may venture to affirm, as well with relation to the *Diſcourſe at large*; as to this (*Supplement*, or) *Abridgment* of it; that both the *Treatiſe* and *Supplement* (purſuant to what has been *hinted* in the *Introduction*) have their *diſtinct*, *variable* and *alternate* Uſes and that (both with Regard to the one and the other) this may be verified *of them*, that *Vis Unita fortior*.

XXI. I have, only, two things further to add, by way of *Concluſion*; the firſt is, that the Reaſons, which have been, almoſt, univerſally aſſigned in all the * *Books* of *Law*, which treat of this *Subject*; why *K.* and all the Claſſes above *K.* in the third Column inherit in preference to *P.* do not ſeem to me to be duly refered, or aſcribed; but the moſt probable Reaſon for this Preference, in my humble Opinion, is to be thus accounted for. —— Thoſe, who introduced *this Conſtitution*, wiſely, foreſaw, it might, ſometimes, happen, that, at the Death of

* For this ſee page 61 of the preceding Treatiſe.

the

the Purchaſor without Iſſue; *B.* of the Purchaſor, and all the *Aſcending* Claſſes of the *firſt* Column might be, likewiſe, extinct without Iſſue; and that if the Inheritance was to go to *P.* in preference to *K.* under this Contingency; the Conſequence would be, that the Mother of the Purchaſor, and her Children by a different Marriage (where there are any by ſuch Marriage) where the Males in *P.* become extinct without Iſſue, after Entry, would be prefered to the Inheritance, in Excluſion of the Father of the Purchaſor, and of his Children by a different Marriage; but by prefering *K.* to *P.* where *K.* *after* * *Entry*, becomes extinct, ſaving, only the Father of the Purchaſor ſurvives, or leaves Iſſue by a different Marriage; the Inheritance will go to the Father, or to *ſuch* Iſſue by a different Marriage; and the Deſign of prefering all the *higher Aſcending* Claſſes of the third Column to *P.* in all Probability, has been calculated to give the Iſſue (by a *different* Marriage) of the

* See Page 28, 29.

Male

Male Anceſtors, who are contained in the *Aſcending Scale* of the *ſecond* Column (where *A.* and *B.* and the Aſcending Claſſes of the firſt Column are extinct without Iſſue at the Death of the Purchaſor) the Preference to the Iſſue of the Mother by a *different* Marriage.

The next Point is, that foraſmuch as, by *our Law*, the Deſcendents from the Purchaſor (although they are, juſtly, prefered to *B.* and to the Aſcending Claſſes of any of the three Columns, in their Succeſſion to the Inheritance; yet) do not take, in all Reſpects, *as Purchaſors*; *when B.* and every *Aſcending* Claſs of any of the three Columns, upon whom the Inheritance deſcends, (though leſs worthy in Blood) always do; this Inconvenience will admit of a Remedy, if, purſuant to the *Roman* Civil Law, every Perſon, upon whom the Inheritance deſcends, ſhould, always, take, as Purchaſors; and then this Maxim (*Seiſina facit ſtipitem, et primum gradum*) which has been *deſumed* from the *Civil* Law, would be *reſtored* to its *true*

and *primitive* Uſe and Application, and to *ſuch an Acceptation*, as *ſeems only proper to it*.

BUT with reference to this laſt Objection; though it is, certainly, *unſyſtematical*, that the *leſs worthy in Blood* ſhould have Privileges, which are denied to the *more worthy in Blood*; yet am I far from being clear in favour of the Expedient propoſed, or with relation to the Neceſſity of introducing any Alteration in this Reſpect; though I muſt own, that I incline, ſtrongly, to favour it; becauſe I think, the Reaſons, which may be produced in favour of the Expedient, will greatly preponderate.

THUS I once more take my leave of the Reader, in hopes, he will candidly interpret what (to repeat my firſt Profeſſions) is dictated by the moſt candid and *ingenuous* Motives, and with a ſerious View of ſerving the *Public* in a Point, wherein the *Public* appears to be ſo *eminently* concerned and *nearly* intereſted, that

that if there is any thing but, even, commonly tolerable in this Performance; we may juſtly promiſe ourſelves a favourable Attention from the *Public*.

Non canimus Surdis, *reſpondent omnia* Sylvae.

N. B. *The* Kalender *to be placed facing this Page, and paſted on a leaf, that the Whole may fold out.*

Kalendarium; Sive SCALA CONSANGUINITATIS.

Agnati. a-a	a-b	Cognati. a-c
6 I	6 Tritavus. Tritavia.	6 O
5 H Atpatrui. Atamitae.	5 Atavus. Atavia.	5 N Atavunculi. Atmaterterae.
4 G Abpatrui. Abamitae.	4 Abavus. Abavia.	4 M Abavunculi. Abmaterterae.
3 F Propatrui. Proamitae.	3 Proavus. Proavia.	3 L Proavunculi. Promaterterae.
2 E Patrui Magni. Amitae Magnae.	2 Avus. Avia.	2 K Avunculi Magni. Materterae Magnae.
1 C Patrui. Amitae.	1 Pater Mater	1 P Avunculi. Materterae.
D Fratres Consanguinei. Sorores Consanguineae.	CLASSIS CENTRALIS. Viz! Persona Proposita. B Fratres Germani Sorores Germanae	Q Fratres Uterini. Sorores Uterinae.

2d	1	A Filij Filiae
1/2	2	Nepotes. Neptes.
1/4	3	Pronepotes. Proneptes.
1/8	4	Abnepotes. Abneptas.
1/16	5	Atnepotes. Atneptas.
1/32	6	Trinepotes. Trineptes.

A Kalendar
Containing the
DEGREES of CONSANGUINITY.

Column First. a–a	Column Second. a–b	Column Third. a–c
6 I	6 Great Grand Father's Great Grand Father. Fe me.	6 O
5 H Brothers of Great Gr.d Father's Grand Father. Sisters of Great Grand Father's Grand Father.	5 Great Grand Father's Grand Father. Fe me.	5 N Brothers of Great Gr.d Father's Grand Mother. Sisters of Great Gr.d Father's Grand Mother.
4 G Brothers of Grand Father's Grand Father. Sisters of Grand Father's Grand Father.	4 Grand Father's Grand Father. Fe me.	4 M Brothers of Grand Father's Grand Mother. Sisters of Grand Father's Grand Mother.
3 F Brothers of Great Gr.d Father. Sisters of Great Grand Father.	3 Great Grand Father. Fe me.	3 L Brothers of Great Grand Mother. Sisters of Great Grand Mother.
2 E Brothers of Grand Father. Sisters of Grand Father.	2 Grand Father. Fe me.	2 K Brothers of Grand Mother. Sisters of Grand Mother.
1 C Brothers of the Father. Sisters of the Father.	1 Father. Mother.	1 P Brothers of the Mother. Sisters of the Mother.
D Half Brothers / Half Sisters } on the Fath.r side	Any Person, Male or Female, who is proposed. B Brothers and Sisters.	Q Uterine Brothers, Uterine Sisters, or Half Brothers / Half Sisters } on the Mothers side.

1 Tot.	1	A Sons. Daughters.
1/2	2	Grand Son's. Grand Daughters.
1/4	3	Great Grand Son's. Great Grand Daughters.
1/8	4	Grand Child's Grand sons. Grand Child's Grand daughters.
1/16	5	Great Gr.d Child's Grand sons. Gr.t Gr.d Child's Gr.d Daughters.
1/32	6	Great Gr.d Child's Gr.t Gr.d Sons. Gr.t Gr.d Child's Gr.t Gr.d Daugh.rs

G. Child. sculp.

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Clio *to* Strephon, *pag.* 79.

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